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Annual Meeting of the Association for Education in Journalism and Mass Communication

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Minorities and Communication Division

- Can We Talk? Racial Discourse as a Community-Building Paradigm for Journalists...Meta G. Carstarphen
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Can We Talk? Racial Discourse as a Community-Building paradigm for Journalists

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Keywords: race, journalists, discourse communities, rhetoric, semantic dissonance

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ABSTRACT:

Can We Talk? Racial Discourse as a Community-Building paradigm for Journalists

This study is a discourse analysis of transcripts taken from depth interviews with 60 journalists about race and journalism. Framed by Oscar Gandy's call from a structural approach to the study of communication and race and in light of continuing research about news and stereotyping, this new analysis of 1997 data offers some exploratory interpretations about the ability of journalists to define race, and to describe their racial sensibilities as members of a "discourse community" within their workplaces. This "micro" examination of their discourse suggests a semantic dissonance between the reporters' interpretation of race and their abilities to interpret this structure within their daily work. Secondly, a close examination of how they report their own workplace conversations about race reveal some insights into how racial discourse on the job helps shape the journalists' own abilities to understand the social construction of race.

Keywords: race, journalists, discourse communities, rhetoric, semantic dissonace

"[Race] seems that it has a utility far beyond economy, beyond sequestering of classes from one another, and has assumed a metaphorical life so completely embedded in daily discourse that it is perhaps more necessary and more on display than ever before." (p.63)

-Toni Morison, Playing in the Dark

Can We Talk? Racial Discourse as a Community-Building paradigm for Journalists

If journalism is history's first draft, what has been written about race in the name of news emerges as a fractured view of what it means to live in a society of many cultures. Post-structuralist literary theorists,like I. A. Richards, Jacques Derrida, Julia Kristeva and others (Golden, Bizzell & Herzberg, Davis) have helped propelled textual analyses into recognizing the value of context and competing meanings. In media studies, these same ideas about the variance of meaning seemed salient constructs when filtered through the lens of critical and cultural theorists (Hall, Fiske, van Dijk), providing relevant contexts through which to interpret media performances as media texts. Placing the well-documented media bias towards people of color (Martindale, Keever, Kern-Foxworth, Dates & Barlow) in cultural and critical frameworks allows for study of the macro and micro processes of media production, as well as the role of race within the media. Most recently, Oscar Gandy (2000) has looked carefully at communication theory, including an assessment of the influences of

both critical and cultural theorists, to examine the influence of race upon communication, and vice versa. Arguing for a "structural approach" to communication study that will further recognize the inherent connectedness between such societal influences as gender and race upon communication, Gandy asserts that racism maintains its "structural influence" through communication (p.3). Accepting his theoretical construct as a general framework for understanding the structure of race within journalism discourse, this paper offers an exploratory look at how 60 journalists define race, both as individuals and within their workplaces. By analyzing their words taken from transcripts of depth interviews with these journalists, some interpretations can be made about the structure of their language and their sensibilities as members of a "discourse community" within their workplaces. This "micro" examination of their discourse suggests a semantic dissonance between the reporters' interpretation of race and their abilities to interpret this structure within their daily work. Secondly, a close examination of how they report their own workplace conversations about race reveal some insights into how racial discourse on the job helps shape the journalists' own abilities to understand the social construct of race.

Methodology, context and description of Study of initial study

In October 2001, The Poynter Institute for Media Studies released the an Overview Report 1 on "Connecting Newsroom attitudes and news content" as part of its ambitious News &Race Models of Excellence Project (Pease, Smith and Subervi). The three authors selected and recruited 12 newsroom partners in both paper and television settings for their year-long content audit on selected dates. These results, coupled with employee surveys about their attitudes about race, combined to measure the racial climate and content within

these organizations. In the end, Pease, Smith and Subervi developed a "Racial Climate Quotient" designed to quantify and measure the level of agreement among co-workers of all backgrounds about racial issues in the newsrooms, finding some correlation between "newsroom climate and news content." (p. 42) Another theme discussed was how much variance there was between journalists of color and their Anglo counterparts about racial diversity and its place within news coverage, often in spite of well-articulated institutional policies about racial diversity, causing the researchers to call for "greater attention to staff development and better communication of management objectives on diversity to the staff." (p. 42) If taken to heart, part of such improvements in communication must necessarily involved strategic exchanges between reporters and colleagues in the newsroom. This continuing need -- even in the face of institutional goals for diversity and racial parity -- evoked a new examination by this researcher of qualitative data acquired from journalists about their own perceptions of race. From these depth interviews conducted just prior to the "Excellence" study, journalists reflected upon the impact of these upon their roles as journalists and their own contributions to the newsroom climate on race.

In 1997, the researcher obtained a list of 138 journalists who had participated within the past 12 months in workshop sessions conducted at The Poynter Institute for Media Studies on race and coverage issues. Each address received a brief letter explaining the research topic and promising a follow-up call to explain more details, and/or inviting recipients to contact the researcher. The researcher and a graduate student assistant made 129 calls and completed 60 phone interviews. Participants were interviewed at scheduled intervals from October 3 to November 24, 1997 in sessions that lasted from 10 to 40 minutes.

Each interviewee was asked to respond to the same 14 questions in an open-ended questionnaire based upon the basic reporting rubric of the "5Ws & and H," or "who," "what," "when," where," "why," and "how." (SEE APPENDIX, Structured Interview Script). At the conclusion of each set of questions, participants were also invited to add any new comments, or clarify any earlier answers. In these ways, journalists were encouraged to define the issues concerning race and journalism using their own terms, sensibilities and experiences.

The 14 open-ended questions generated, as expected, a wide range of answers. None of the participants had any prior knowledge of the specific questions, only the general topic, so the answers were fairly spontaneous. Also, as anticipated, when confronted with questions that clearly had many possible answers, the respondents often initially answered by saying "It depends," until they created contexts through their personal examples and experiences in which to frame their responses. The two interviewers did not sanction one response over another, but encouraged interviewees to formulate answers which best made sense to them.

All told, the 60 interviews generated over 300 pages of single-spaced, typed transcripts. For this paper, the researcher examined the responses from only three of the total questions. Specifically, these asked: (1) how do you define race? (2) how often do you discuss race (at work)? and (3) is this practice [of discussing race at work] helpful? The researcher grouped similar answers together, counted the frequency with which they appeared in the transcripts and then classified them according to main categories of meaning.

An overview of the participants

Journalists from all nine regions of the United States as defined below according to the U.S. Census bureau categories, participated in this study:

- New England (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut);
- Middle Atlantic (New York, New Jersey, Pennsylvania);
- East North Central (Ohio, Indiana, Illinois, Michigan, Wisconsin)
- West North Central (Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas);
- o South Atlantic (Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida);
- East South Central (Kentucky, Tennessee, Alabama, Mississippi);
- West South Central (Arkansas, Louisiana, Oklahoma, Texas);
- Mountain (Montana Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada);
- Pacific (Washington, Oregon, California, Alaska, Hawaii)

Overall, participants from all regions joined the study, although not all states within each region are represented. The greatest number of respondents came from the South Atlantic (25 percent), followed by the Middle Atlantic (17 percent). Participants from the combined East and West South regions were heavily represented as well, with a total of 27 percent. (*SEE APPENDIX II, "Region")*

Overall, journalists of color were well represented, and on the whole, were 35 percent of the respondents, with the remaining 65 percent, Anglos. (*SEE APPENDIX III, "Ethnicity")* Fifty-five percent of the participants were women; forty-five percent, men.

(*SEE APPENDIX IV, "Gender"*).

All journalists were with newspapers, with one responding specifically identifying himself as a web site editor. The majority, 57 percent, were reporters of some kind, with the next largest group, 27 percent, composed of editors and managers above assistant editor level (*SEE APPENDIX V, "Jobs"*).

Overall, the participating journalists included a broad span of working experience, from reporters newly entering the newsroom, to those with over 30 years in the field. Nearly half of the respondents, 49 percent, were mid-careerists, reporting anywhere from 16 to 30 years in journalism. (*SEE APPENDIX VI, "Years of Experience"*).

For these reporters, the subject of race became the context in which to examine what it meant to involve representative voices from their constituent communities into daily journalism, all the while tempering such views against personal and professional sensibilities. And although they responded to questions drawing upon their own personal and professional experiences, it is useful to place their discussions within the context of various studies critiquing journalism's performance in representing U.S. society, including the prevalence of stereotyping within the news media.

Whitewashed representation: Early Industry warnings

In 1947, a council 13 intellectual and business leaders, headed by Robert M. Hutchins and funded by Time magazine founder Henry R. Luce, published results from a four-year study on the role of "a free and responsible press" in American society. The report, while giving scant attention to the racial divide in U.S. society, nevertheless presaged today's concerns about diversity and fairness, albeit in oblique language. Met

with more criticism than support, the report, notes Stephen Bates, catalogued many press failings, including "reinforcement of group stereotypes." (p.11).

But emerging social change would help to propel the increased coverage of minorities on to the news reports of major media through the dramatic and contentious struggles of African Americans during the Civil Rights era (Williams, 1987). Emerging on the heels of the Kerner report as a societal force, civil rights issues formed a new context for the next watershed study of media's role and impact. Little more than two decades later, President Lyndon B. Johnson convened a new panel at the height of national distress about urban-centered riots. marked by a series of explosive confrontations between whites and blacks. Warning against the imminent fracture of the American society into two unequal nations--one black, one white. (Kerner, 1968) It was a dichotomy that, unfortunately, reduced the complexity of diversity into stark and opposing symbols which arguably has influenced journalism's race reporting ever since.

Stereotyping in news coverage

That the majority press followed an unstated policy for decades of omitting coverage of minorities, especially African Americans, from its news pages was an industry-wide practice of absence which Carolyn Martindale noted, and which transcended prejudices within individual reporters (1986). The print media were not alone, (Wilson and Gutierrez, 1997), as this textbook study makes clear how persistent stereotyping of people of color has influenced content in all mass media arenas. Defiining the operation of stereotypes in mass media contexts, Wilson and Gutierrez delineate how differently they were projected for different ethnic groups of color,

distinguishing these patterns as reflecting "negative stereotyping" (p.61) which operates outside the bounds of effective shorthand communication. Robert Entman's assessment of local Chicago newscasts (1992) and their reliance upon prevalent crime reporting about African Americans led him to conclude that such patterns fueled the continuation of modern racism in the television studio. Later, he added that despite a greater visibility of blacks in their newscasts (Entman, 1994), television continued to construct programs that actively contributed to stereotyping.

.Christopher Campbell (1995) in his content analysis study of 39 local television news programs from across the country, found that persistent racial stereotyping contributed to sustaining cultural myths about race, and in a more aggressive fashion than did non-news, fictional television. In this way, Campbell extended the findings of Entman's Chicago study, only to show that the news frame for stereotyping racial subjects extended far beyond the reach of a particular market. In this study, Campbell warned that the media -- which pride themselves on reporting on matters of "common sense" -- fail to relate that which is either common to a multicultural society or sensible when diverse views are excluded, and instead, are supplanted by racial myths.
More recently, by looking at the construction of newscasts from the inside out, Don Heider (2000) found similar, disturbing patterns in his ethnographic study of two newsrooms in diverse communities. That is, people of color, when they are subjects of news coverage, are like to be forced to fit into "traditional stereotypes" (p.81) and in some way framed as curiosities outside of the norm. Even with the Kerner report's chiding of the media on their racial failings, studies have continued to show the dogged presence of stereotyping practices (Hoffman, 1991; Seiter, E., 1986; Strohman, Merrit &

Matabane, 1986). Beyond the "how" and "where" of media stereotypes in the media, Bradley Gorham (1999) examines "why" understanding stereotypes is important. By placing and defining the stereotype within the context of semiotic theories as representing a constructed social reality, drawing upon unspoken symbols and ideas, which "present understandings about particular social groups that we have learned from our social world." (p. 232) Socially constructed realities, with their inherent mutability, highlight the difficulty for reporters trained to report fact in the face of such a nebulous "reality" as race.

Defining Race in theory and practice

Numerous scholars over the years (Gates, 1986; Hartley, 1982; Montagu, 1985; van Dyck, 1987) have argued that race is a "socially constructed" idea, having little to do with biological or scientific fact. Gandy, too, acknowledges the influence of race as a society, or context, driven idea, but introduces also the idea articulated by Hall (1993) and others about ethnicity as a new identifier that is both socially and individually consstructed (Gandy, p.65). In this view, cultural experience becomes the conduit of racial and ethnic identity, so long as the individual makes conscious choices through the selection of such things as food, ritual and culture, to self-identify.

Race, ethnicity, color and culture were the most frequently mentioned terms when this study's journalists gave their own definitions of race. Question three asked reporters, simply, to "define race." Virtually all of the interviewees gave multiple answers to define race, and each answer was counted to see what patterns emerged and to see which meanings dominated. Therefore, the answers given illustrated the frequency with which

particular words, or answers appeared,.[

TABLE 3: DEFINE RACE. (93 TOTAL ANSWERS)

Color/physical characteristics	Ethnicity	Social-Political	Difference (social and philosophical)	Problems (conflict)
(40%)	**(28%)**	**(13%)**	**(12%)**	**(7%)**

Forty percent of the total 93 responses defined race as "skin color" or some other parameter involving distinguishing physical characteristics; 28 percent, "ethnicity"; and 13 percent of the responses included some aspect where they considered race as either a "social or political" construction. Similarly, 12 percent identified race as a concept who's role was to point out "differences" between people; and seven percent saw race as simply, a "problem" or a "conflict."

The variant meanings reflect these journalists' own experiences with a "socially constructed" idea of race. Their answers and their nearly self-conscious awareness of the challenge to put concrete terms upon a subjective experience illustrate what might be called "semantic dissonance," signifying that "meaning" is at odds with perceived experience. Some examples include these statements:

A: That's a good question. Race to me means different ethnic groups or a certain ethnic group, and the culture surrounding that ethnic group – their lifestyles, their hereditary background.

A: I think it's a cultural definition as well as a scientific one or a biological one.

A: I guess race is separate from ethnic origins because you can have several ethnic groups under one race, so I kind of think it along the main lines of White, Black, Asian, Native American. That sort of – if you were asking me to decide who is of a different race. I think of it very demographically. Let's put it that way.

A: What does race mean to me? ... A person's ethnicity.

A: I guess race is that identifying information that puts people in a certain category of ethnic background. It's more than just ethnicity though. It's not is your heritage Italian or Polish. It's what is your racial heritage, i.e., what is the color of your skin? Are you Black, White, Asian, other? So, I guess when you say race it's the color of the skin is really what defines it in my mind… It's not just Black, White. It's Black/White/Hispanic all in the same person. So, it seems like a real clear thing, but in reflection it really isn't

A: A person's genetic, ethnic, racial background. And if there's any question about it, we respect the person's self-definition.

A: At the very basis, it means skin color. I try to think and I hope that I think that it doesn't mean any more than that. That simply everyone is a human being no matter

what color. I know that many people don't feel that way, but I would never write to them though.

A: What does it mean to me as a journalist? Because in some ways it may be different, I'm not sure. It's a very difficult thing. It's probably the most difficult – I would say that race is probably the most difficult thing for human beings, much less journalists to deal with.

A: I think it is your heritage. That's what it means to me.

A: Race is whether you are Black or White. To me living in the South, that's what race is. Whether you come from Africa or whether you come from Europe.

A: To me it means a person's ethnic background or makeup and their cultural experience. So, to me it means a mixture of things that make up a person: biologically as well as culturally.

A: Ethnic identification.

A: Race means an ethnic background, a culture, and a color of skin also. I guess that's the best way I can define it right now.

Self-examination: race at work in the newsroom

Underlying our socially constructed concepts of race are socially constructed relationships of power (Bradac, 2000; Thomas & Wareing, 1999; Gandy 2000, Robin), and the ways in which language supports these structures. The media's ubiquity make the "micro" level of their content--words, sentences and images--undergird the "macro" level of bias, where stereotypes, repetitive news topics and unfair representations of racialized subjects can become apparent.

Thus, among the last questions of the interview related specifically to in-house discussions about race in the newsroom. When asked in Question 13 "how often" these journalists discussed race at work, they helped define a context in which they were able to form a community among their peers , activated by the issue of race.

TABLE 13: HOW OFTEN DO YOU OPENLY DISCUSS RACE WITH COLLEAGUES? (60 TOTAL ANSWERS)

Often	Rarely	When the need arises	All the time	Never	Not personally//Don't know if others do
(33%)	(28%)	(25%)	(10%)	(2%)	(2%)

Thirty-three percent said "often," while 28 percent said "rarely." Another 25 percent said race was discussed "only when the need arises," while a smaller 10 percent said race was discussed "all the time." So for 78 percent of the participants, race was discussed on anywhere from an intermittent to regular basis.

Some of their answers to the question, "How often do you discuss race?" included

the following:

A: Daily.

A: In my particular profession, whenever it's necessary. But, I'm an editorial writer which makes me a different breed.

A: I was on a diversity committee here at our newspaper and we spent a lot of time discussing it, so that kind of skews my views. We spent a lot of time discussing this. So, I would say outside of that context of sitting in the committee and discussing that, I would say that we frequently discuss it among ourselves.

A: We do that frequently.

A: In that formal sense, I don't know that it happens very often at all. It's more dealing with something as it comes along. We did do a big series a couple of years ago on the state of race relations and what was happening and where and Black churches – it was multi-part and it was at a time when many newspapers were doing that series. And so that was definitely premeditated – we wanted to do something about race and they were very careful as many newspapers did at the time to balance the team so it didn't just include White people trying to write about race. But I think on a day to day basis, it's really pretty ad hoc. The stories probably drive the conversation. I don't know what happens at the editor level. He might get a lot more tugs and pushes and pulls from

people complaining why did you put that mug shot on the front page. You put this other story on the front page.

A: I would say occasionally to fairly often.

A: In my current job it just plain doesn't come up. We have discussion about it periodically when a news story comes up that has a strong racial angle of some sort. Often it will be smaller groups of people like the night copy desk and the managing editor who's in charge that night. What's the best way to approach it. We don't have specific policies involving race or big staff meetings where we discuss that or anything else because the staff is just too big. It's a situational kind of thing.

A: I'd say more than every day.

A: I would think probably every day really in one degree or another. Maybe not on specific stories, but maybe on journalism in general. We've had seminars at the paper about it. We talk about it in meetings.

A: We don't get together and discuss much of anything. Sometimes we do discuss it and I think maybe in circles – editors discuss it more than we do as writers. Because basically as a group, we don't. Maybe twice a month, but that's about it. And if it's an issue, we discuss it. And if not, we don't. But, I think probably – we have a minority committee here and when they have concerns about our coverage, they bring them up to

editors who are much higher than I am. I probably never hear of them, but I'm sure the issues are brought up and they are discussed.

A: Not everyday. But periodically. We will discuss it in cases of, for example, welfare reform because we want to make sure we're being fair.

A: I discuss it with some of my colleagues, maybe not in the right for[u]m. .. I discuss that more so with my colleagues who I know I can have a debate about it with or who I know are going to be supportive of my comments rather than editors.

A: I would say not often.

A: We discuss it quite a bit, particularly since we did this series in 1990. But even before then. We have ups and downs on a formal structure for discussing it, but on an informal level we discuss it quite a bit in terms of what photographs and writing we're presenting in our daily coverage.

A: No. I don't think so.

A: I think my practice of jumping up and shouting "What is this shit?" is quite helpful.

A: Occasionally.

A: Pretty often. We're fortunate to have some diversity racially on our staff and our management structure. So, it's a regular topic of conversation. I would say maybe three times a week it comes up.

Once the context was established, Question 14 asked these journalists to evaluate if such discussion opportunities was helpful, and if so, under what conditions? Apparently, 42 percent of all the journalists questioned believed discussion helped them "learn different viewpoints," while another large percentage, 39 percent, believed that such discussions helped them and their papers "do a better job" in journalism. Then, 13 percent -- all the journalists of color -- reported that the practice was helpful because it offered them "validation" and catharsis." All together, 94 percent, or nearly all of these journalists, believed that discussion about race on the job benefited them, even though only 33 percent said that it was regularly discussed where they worked. Clearly, the vast majority of these journalists looked to their workplaces for support and guidance on how to work through these kind of stories in ways that still upheld their independence to report and write as the stories, situations, and their news judgment demanded. And an important part of that support involved, simply, talking about race with their colleagues.

TABLE 14: DO YOU FIND ON-THE-JOB DISCUSSIONS ABOUT RACE HELPFUL? (72 TOTAL ANSWERS)

Yes, because I as a reporter can learn different viewpoints (42%)	Yes, because it will help me and our paper do a better job (39%)	Yes, because it validates how I feel; allows me catharsis (13%)	No, because not enough change happens or because top management isn't involved (3%)	No opinion or no experience (3%)

Journalists of color believed they were in the forefront of recognizing the impact of race upon coverage and leading the discussions in the workplace -- perceptions their

Anglo counterparts echoed. Nearly all (58 out of 60) believed discussions about diversity were important where they worked, but for different, personal reasons. While majority journalists sought out these discussions because they were educational, minority journalists wanted these conversations for catharsis and validation. Professionally, all journalists who felt such discussions were important believed that they helped their news organizations do their jobs (i.e., cover their communities,) in better ways. A smaller group within this sample showed that seasoned Anglo journalists who had thoughtful, and often passionate views about race were nonetheless out of the stream of conversation about race at work because of the independent natures of their jobs (i.e. writing coach, editorial writer). These employees, however, could be valuable assets for organizations immersed in diversity efforts.

Some of their specific comments in response to the question about whether talking about race was helpful or not included the following:

A: Sometimes I think it's helpful. I think that's incumbent for me as an African American reporter to point out how race and how different voices are relevant to their stories and how it's relevant to what we're covering. . . .So you always have to point out the stark differences of how we are perceived and how we are portrayed in the media.

A: My perspective is always unique by virtue of the fact that I am a member of an ethnic group, so I think it's always helpful to get alternative viewpoints.

A: Yes. Helpful.

A: Yes. I think it is, particularly for people who may not be as aware of racial issues day to day and it might be pointed out to them something that they may not have thought to think about.

A: Sometimes I think it's kind of liberating to just be able to say out loud what everybody's thinking.

A: It's always helpful.

A: Certainly if we started doing original reporting for the web. To apply ordinary standards of reporting to it and sensitivity to race and the other ordinary conventions it would follow on the web.

A: Yes. Sometimes when there's a day like the Rodney King thing it was awfully depressing. But in the long run it's helpful.

A: Yes. If I write a story that's racially sensitive, I'll run it by another Black reporter before I turn it in.

A: [Yes]. We will discuss it in cases of, for example, welfare reform because we want to make sure we're being fair.

A: Yes. I did. Matter of fact, I'm going to write a column about it.

A: Yes.

A: [Yes]... So we talk about who those sources are that we contact in our

coverage and I think we talk about it quite a bit. We've increased the number of minority employees in our newsroom – the whole company has a focus on increasing diversity in the company, but particularly in the newsroom too. We talk about that a lot and how we can better reach a whole community.

A: Very. The explanation on that is that there are two of us here as employees of newspapers that publish elsewhere in the United States. So, we can look at their coverage of race and we discuss it here when they get involved in racial coverage in their areas. It helps us definitely to discuss it because we can serve as a checks and balances on each other in terms of eliminating blind spots.

A: Yes, very helpful.

Discussion and summary: talking points on newsroom discourse on race

These journalists, while alluding to or even overtly stating their recognition of such power that journalism holds, felt themselves to be mostly powerless in the context of live exchanges among their colleagues about race. The frustration stemming from either not seeing "improvements" in policies as a result of their discussions and not being able to always meet their personal goals in such dialogues, like "validation" or "cartharsis," gives a sense that the process of race talk is as important to these journalists as the product. That is to say, that beyond the short-term decisions that emanate from such discussions about specific stories and issues, these journalists value a regular forum about race that allows them to support each other as a community of writers and journalists.

Building interpretive communities among journalists around race is an activity that, surprisingly, these journalists would value. They function as communities in other key ways; why not this? In their individual attempts to define race, they suffer a silent frustration in not knowing whether they should be confined by *physical, cultural, situational* or *conflict* definitions, as their own answers reflect. At the same time, journalists are keenly aware that they may "wrongly" interpret—or even miss completely—the racial significance of the story in large part because the concept of race that they are struggling to define is a moving target. Their uncertainty about the nuances of race, both apart from the stories they cover and during the process of reporting, highlights the semantic dissonance such journalists face on a regular, if not daily, basis.

Most significantly, these journalists seem to value opportunities to discuss race-- even during difficult exchanges-- as a method of learning about the worlds they cover, the colleagues they work with, and also about themselves. Though such discussions, as they reported them, were usually triggered by a story, or an in-house training session, these journalists spoke about the "off-text" value of these exchanges, which centered upon the perceived opportunities for them to learn, grow and perform better, in general ways, in their jobs.

Journalists engaged in this type of exchange envision themselves as both perpetual students and incurable explorers, ever poised to learn more and more. However, for those who found that the opportunity to discuss race was a useful one, they fashioned three specific outcomes: *mentoring, validation,* and *professional empowerment.* These insights strongly suggest foundational goals upon which an ongoing program affording the opportunity for racial discourse among journalists might rest. As the full interview script shows, there are

more areas to be examined in the journalists' responses that can perhaps illustrate more concisely the intersection of thought and practice when it comes to the way individual journalists approach stories. In the next stages of a discourse analysis of these transcripts, the interviewer hopes to use semiotics theory to expand upon the way these journalists report that they "see" race constructed in specific subjects, locales, pictures and sources. Moreover, there should be more insight from a comparison and contrast of the responses that can more clearly define how journalists operate as interpretive communities which help critique and appraise their own coverage of racial topics.

Future studies should test the notion of journalists' receptivity to building a discourse of race that is not characterized (as it so frequently is) as "diversity fatigue" in other newsroom settings. The journalists selected for this study were experienced, because of their participation in The Poynter Institute for Media Studies workshops, with at least thinking about the role of race in journalism and how this understanding connects to the practice of journalism. Therefore, it would be interesting to engage more journalists in this kind of probing dialogue who have not been through such training. Finally, while diversity training programs may continue to be needed in newsrooms, organizational efforts which structure regular opportunities for dynamic exchanges among their own employees would be extremely valuable, according to these interviewees.

As always, the quality of this discourse will depend upon who is allowed to participate in the conversation. More diversity in the newsrooms, not less, is still an important goal in structuring and maintaining these kinds of conversations that will eventually improve coverage for all.

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APPENDIX:I

Structured Interview Script

1. Who makes the best sources for stories about race? Are there exceptions?

2. What is the best way to write the race of the subjects being interviewed into a story, in your opinion?

3. Define race. What does it mean to you?

4. What story topics in your view are racial topics, and why?

5. Of these types of stories you've just described, how do you decide how much of the finished story should incorporate text and/or pictures focusing on race?

6a. At what point in your receiving, assigning or developing a story do you recognize race as an important element?

6b. Once you recognize this, how does this recognition affect your approach to the story?

7. What makes a story about race newsworthy and timely in the traditional journalistic sense?

8. How do you write and/or photograph a story about race, and make it timely, when it concerns historic issues, such as slavery, institutionalized racism, colonialism, immigration and so on?

9. Are there any geographic locations that inherently make better settings for finding or covering stories about race?

10. In your opinion, how important is it to write about and/or photograph specific locales when putting together a story about race?

11. Should the media spend more or less time and/or space covering race? Why?

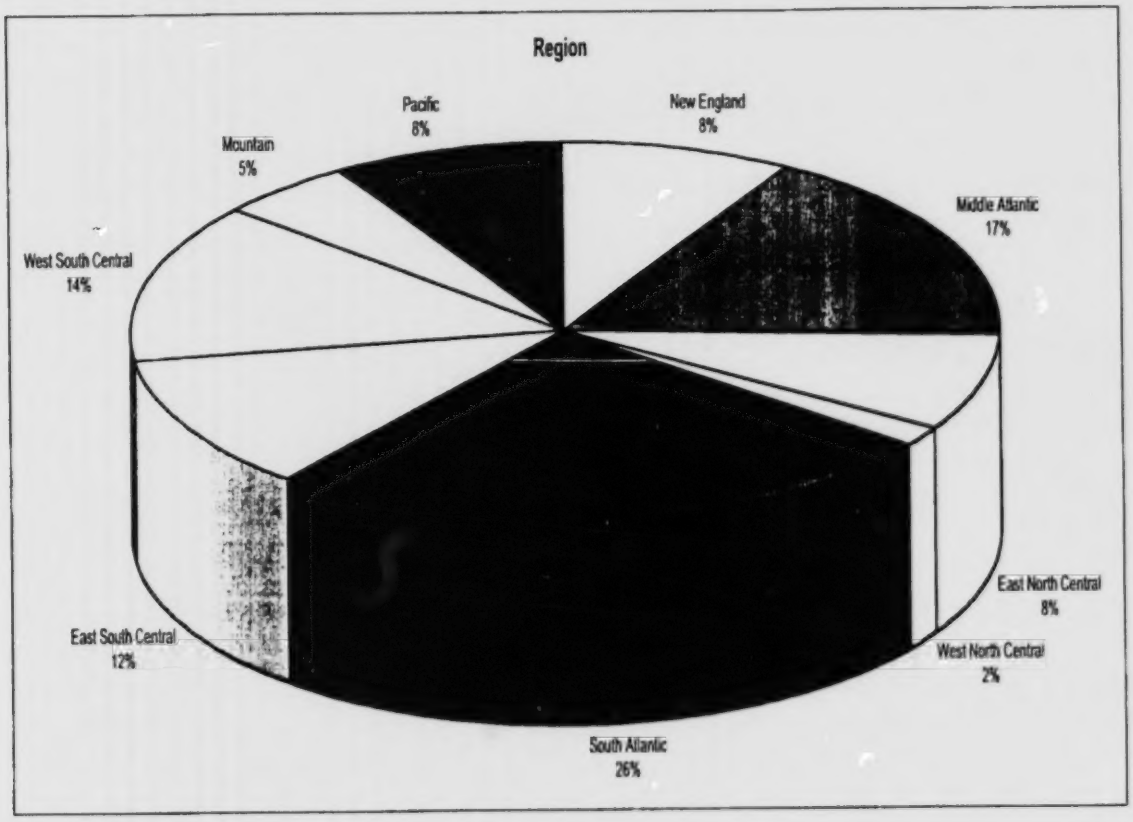
12. On the occasions when you have had to develop a story about race, do you in some way explain to your audience why the racial information is important, or do you assume they will make their own judgments?

13. How often at your shop do you openly discuss with colleagues how race may or may not affect your employer's coverage?

14. Is this practice helpful or not?

APPENDIX II—

Region where respondents worked



APPENDIX 11I

Ethnic composition of participants

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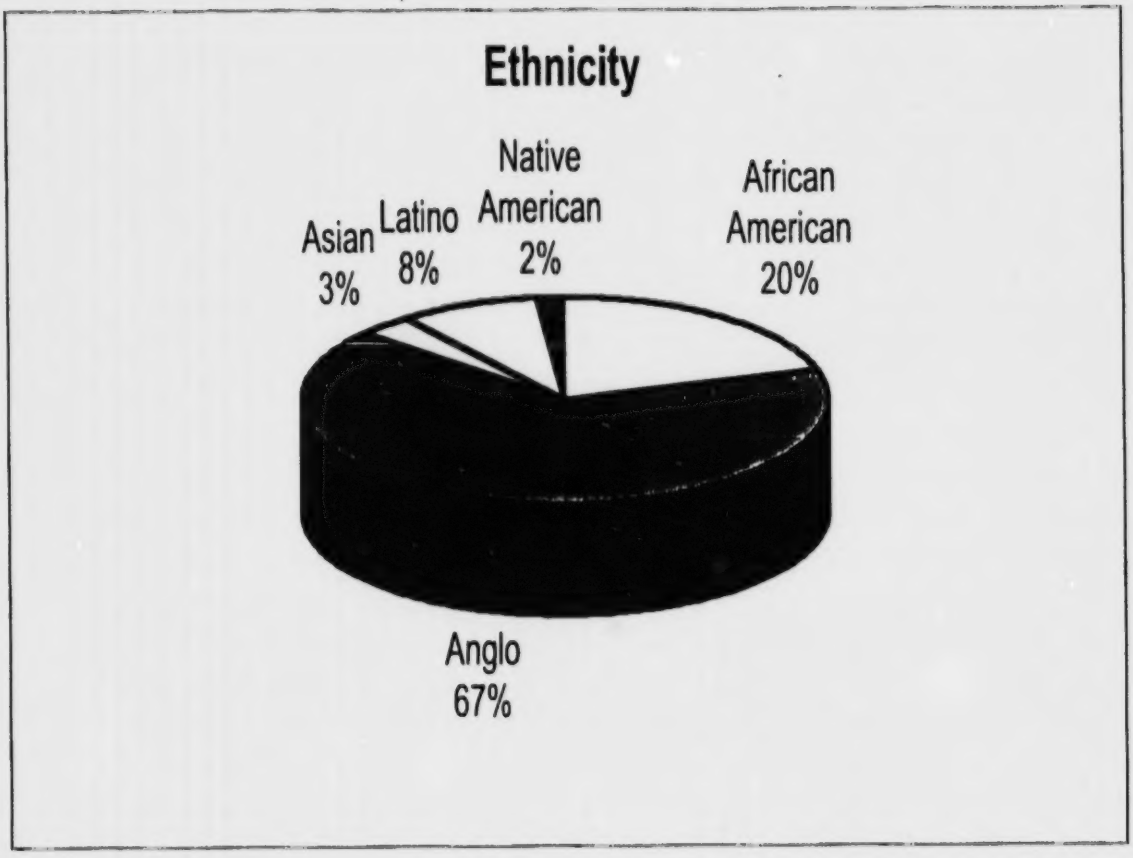
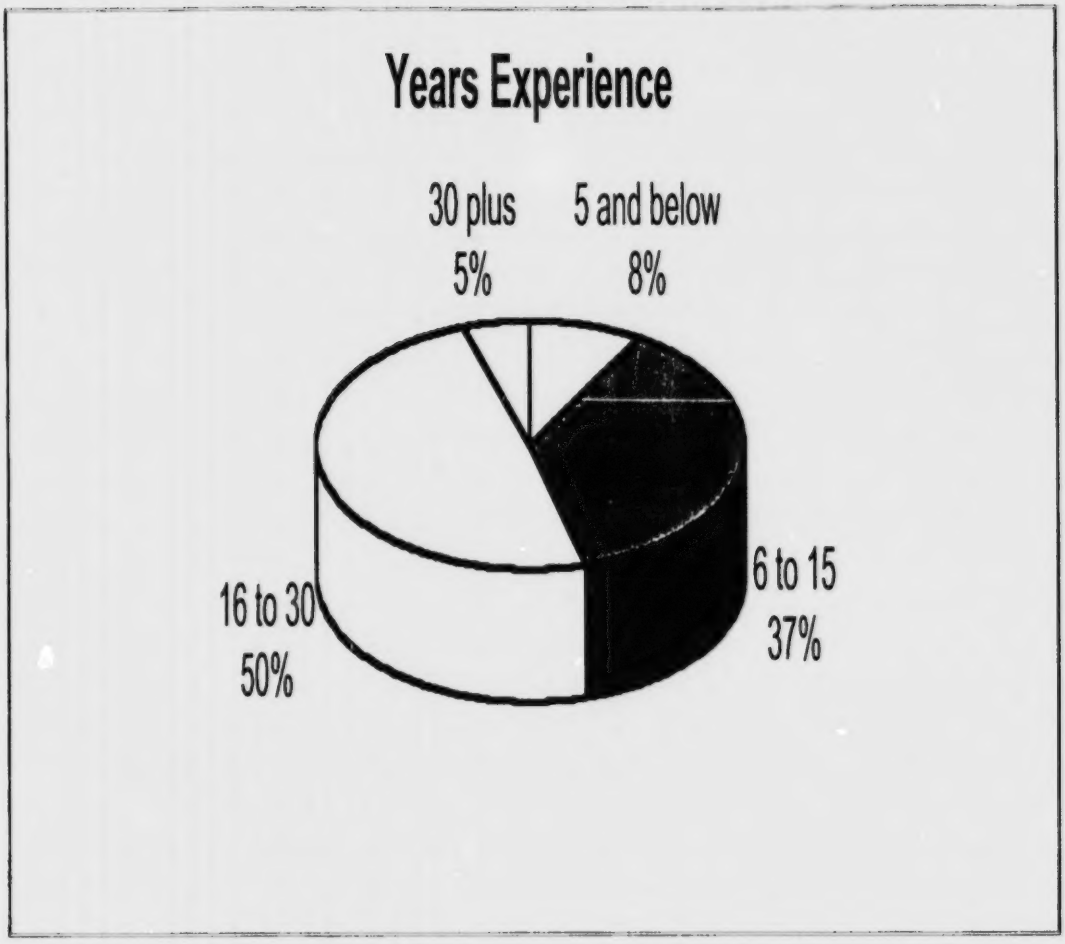


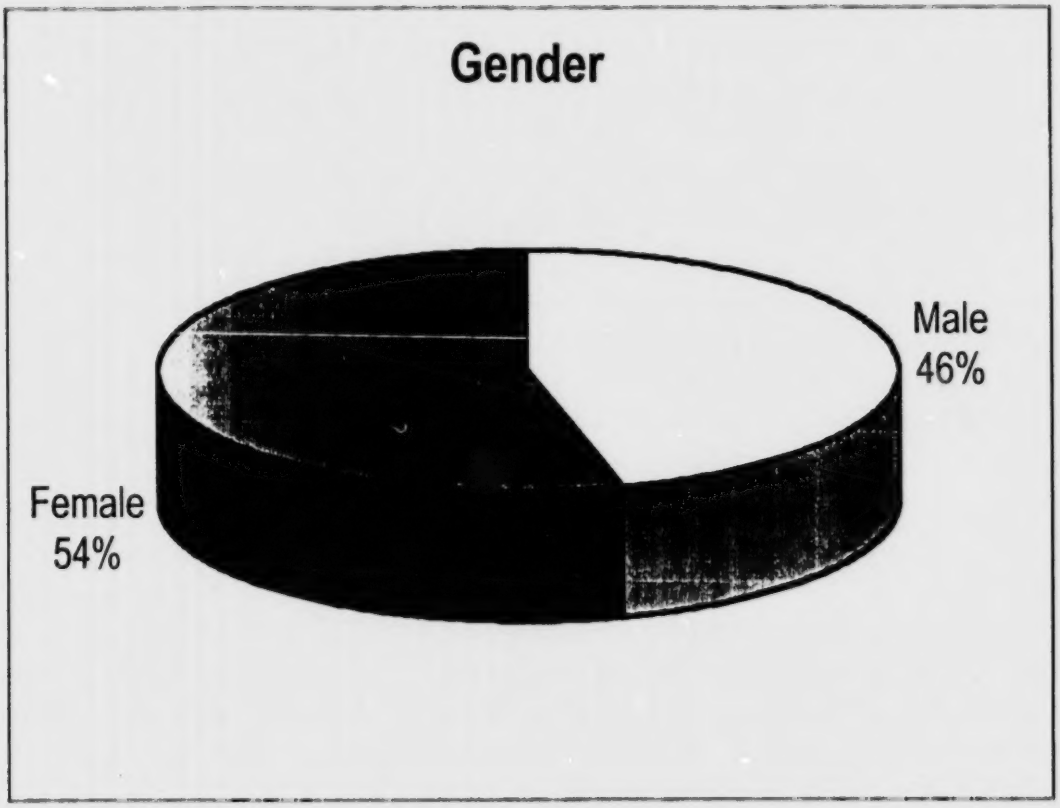
APPENDIX III

Journalism experience of participants



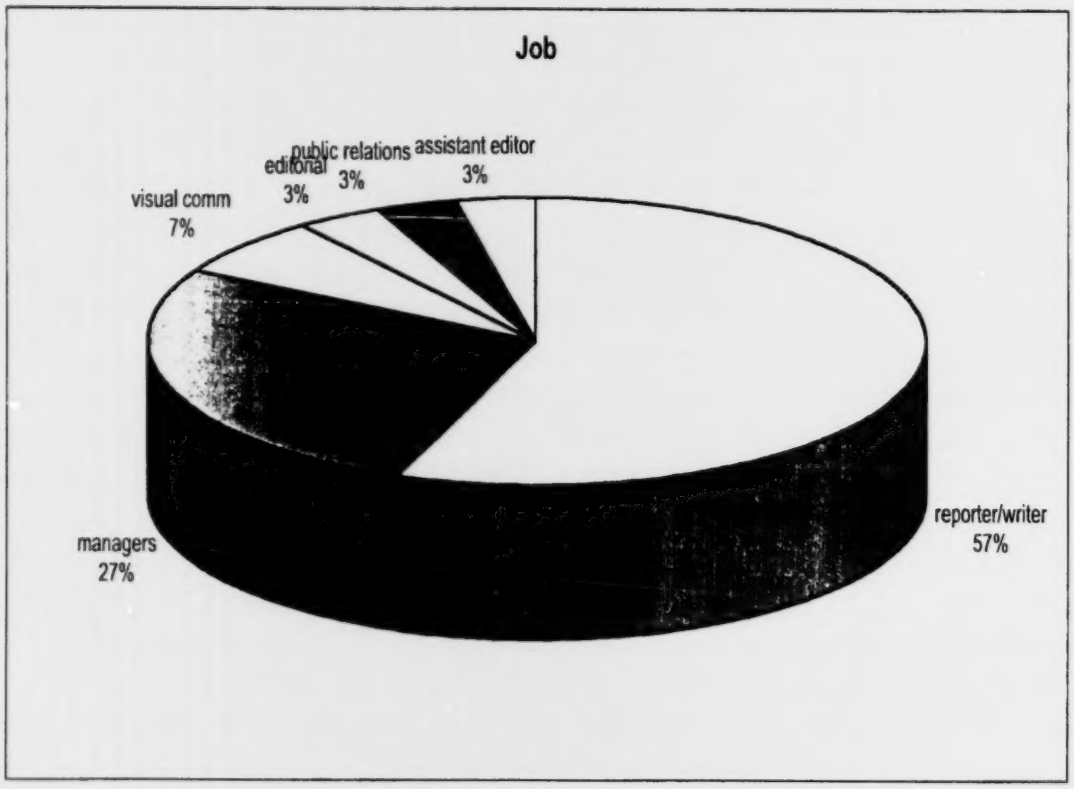
APPENDIX IV

Gender of participants



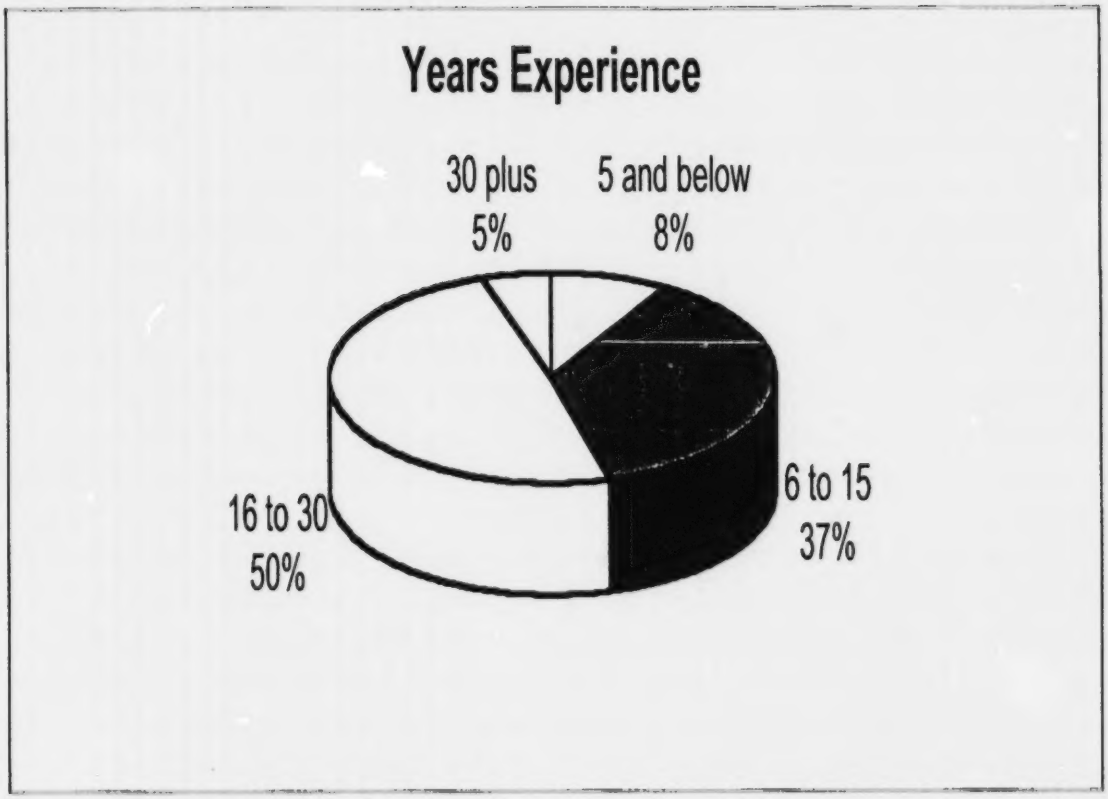
APPENDIX V

Jobs of participants



APPENDIX VI

Participants' years of experience


Years Experience
30 plus
5%
5 and below
8%
6 to 15
37%
16 to 30
50%

CAN CROSS BURNING BE CONSTITUTIONALLY PROSCRIBED?

Sixty years of Hate Speech Rulings culminating in *Black v. Virginia*

A.E.J.M.C. 2003 Convention

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Can Cross Burning Be Constitutionally Proscribed?

Abstract

In a landmark decision 10 years ago the U.S. Supreme Court found a statute prohibiting cross burning to be unconstitutional. Recently, however, events in Virginia have prompted the Court to hear arguments in another cross burning case in December last year. The Court is expected to release its opinion by June this year. This paper argues that cross burning is speech which can be proscribed consistently with the First Amendment.

Introduction

In December 2002 the United States Supreme Court heard submissions from Virginia state attorneys in an action to determine the constitutionality of a statute prohibiting cross burning in Virginia.[1] *Black v Commonwealth of Virginia*[2] had been appealed from a November 2001 opinion of the Virginia Supreme Court, holding that section 18.2-423 was a violation of the First Amendment.

The case arises approximately ten years after the Supreme Court decided *R.A.V. v. City of St. Paul, Minnesota.*[3] In *R.A.V.* the Court, although recognizing that some speech could be regulated because of its *constitutionally proscribable content,*" (emphasis by the Court)[4] held the statute[5] in question unconstitutional as being viewpoint discrimination.[6] The Court recognized that a statute aimed at preventing "secondary effects" that the speech could cause might be constitutional but found that the Minnesota statute was not narrowly tailored to serve the compelling interest in ensuring the human rights of groups historically discriminated against.[7]

Black v. Commonwealth of Virginia[8] involved two cases, one being a cross burning in the front yard of an interracial family by a neighbor and his friends. The second case involved a cross burning on the private property of a person who had given permission for the burning to take place. The fact that the Supreme Court granted

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[1] *Black v. Commonwealth of Virginia*, 262 Va. 764 (2001), *cert. granted*, L. Ed. 2d. 1048 (2002).
[2] *Id.*
[3] 505 U.S. 377 (1992).
[4] *Id* at 383. The court suggests obscenity and defamation as two examples of speech which could be proscribed.
[5] The St. Paul Bias Motivated Ordinance §292.02 (1990).
[6] *Black, supra*, at 382-383.
[7] *Id* at 393-396.
[8] 262 Va. 764 (2001).

certiorari in *Black* might indicate a willingness of at least four justices to re-examine the issue of the proscription of cross burning.

Popular opinion, while not favoring hate speech, would not like to make hate speech illegal. In 2001 the Freedom Forum [9] found that although 93 percent of Americans believed people should be allowed to express unpopular opinions, 64 percent were opposed to laws allowing citizens to air in public opinions which would be offensive to certain racial groups.[10] Notwithstanding this position, only 36 percent favored laws making it illegal for people to use such racial hate speech.[11]

The constitutional struggle in the case of hate speech can be understood as one between the First[12] and Fourteenth amendments[13] to the United States Constitution. The first guarantees free speech, the second, equal protection under the law.

The argument behind the First Amendment position is the marketplace of ideas theory which posits that truth emerges from a full discussion of all ideas.[14] This theory supports the argument of absolutists that full free speech is necessary to a democratic society.

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[9] State of the First Amendment 2001 (First Amendment Center, Freedom Forum) 2001 at 11. *Available at* http://www.freedomforum.org/publications/first/sofa/2001/finalSOFA2001.pdf.

[10] *Id* at 11

[11] *Id.* The survey was conducted between May 16 and June 6, 2001 before the World Trade Centre was toppled. It would be instructive to see whether the 2002 yields significantly different results.

[12] U.S. CONST. amend. I provides in part: "Congress shall make no law…abridging the freedom of speech (of the people)"

[13] U.S. CONST. amend. XIV provides in part: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

[14] One of the best articulations of the marketplace of ideas comes from Justice Oliver Wendell Holmes in his dissent in *Abrams v. United States*, 250 U.S. 616 (1919). Holmes said "… the ultimate good desired is better reached by free trade of ideas… that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes can be carried out. That at any rate is the theory of our Constitution." *Id* at 630.

However, the Supreme Court has, over the years, carved out several categories of speech that do not enjoy protection under the First Amendment. The question that Critical Race Theorists[15] and other opponents of the marketplace ideas theory ask is why hate speech cannot be included among these exceptions.

Ostensibly the issue is whether the Virginia statute passes the test for overbreadth and content discrimination set by *R.A.V.* for statutes aimed at limiting such speech. The real issue as expressed by the *Columbus Dispatch* is "(if) a bunch of racists want to burn a cross, can the act of burning the cross be banned outright? Or is cross burning a type of symbolic speech that no matter how odious ought to be protected under the First Amendment?"[16]

This paper argues that hate speech such as the burning of a cross should not be given protection under the First Amendment. Part I will explore the theoretical basis of the paper, examining the position of the Critical Race Theorists. Part II will look at the Supreme Court's history in ruling on cases involving racially motivated derogatory speech. Part III will look at current law as defined by the Supreme Court in the *R.A.V.* decision. In Part IV we will trace the history of the *Black* case in the lower courts. In Part V we will look at how the Supreme Court Justices are viewing the issues in *Black* and we will conclude in Part VI.

PART I: THE THEORETICAL FRAMEWORK

Mari Matsuda and the Critical Theorists

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[15] Critical Race Theorists believe that social reality is defined by the history of the community and embrace a subjective perspective in an attempt "to respond to the immediate needs of the subordinated and oppressed groups" in society. *See* Charles R. Lawrence III et al., Introduction, Words that Wound: Critical Race Theory, Assaultive Speech and the First Amendment, 3 (Westview Press, 1993).

[16] Editorial, *The Columbus Dispatch,* 10, December 21, 2001.

Mari Matsuda in her article titled "McCarthyism, the Internment and the Contradictions of Power,"[17] suggests that racism is institutionalized in the United States system of government. Institutionalized racism, for Matsuda, is the result of a history of repression of civil rights and minority groups.[18] While Matsuda focuses in this article on the Internment and McCarthyism, she links these issues to the plight of all minority groups in the United States including African Americans.[19]

Another Critical Race Theorist, Derrick Bell, [20] blames slavery for the racial discrimination in America today. Bell criticizes the system for perpetuating race-based prejudice against African Americans. In his article titled "Property Rights in Whiteness- Their Legal Legacy, Their Economic Costs," he says of racial discrimination effected in the exploitation of black labor denying them the benefits from their labor and, ultimately, blaming the "manifestations of exclusion-bred despair" on racial inferiority.[21] Within this context Bell sees racial discrimination and white supremacy as being central to American policy making.[22] Thus, for him, the process of abolition of slavery involved a compromise which set a precedent where, throughout American history, the interests of the black minorities have been sacrificed to the interests of the white majority.[23]

Today, while overt racism in the form of segregation in schools and public areas no longer exists, for Bell, discrimination continues in the form of resistance to affirmative action and other programs to level the playing field. The rationale for this resistance is

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[17] Mari Matsuda, McCarthyism, the Internment and the Contradictions of Power, 40 BCL Rev. 9 (1998). Mari Matsuda, one of the more recognized critical race theory scholars, is a Professor at Law at Georgetown University Law Center who has written extensively on race issues including hate speech.
[18] *Id* at 15.
[19] *Id.*
[20] Derrick Bell, *Property Rights in Whiteness- Their Legal legacy, Their Economic Costs,* Critical Race Theory: The Cutting Edge, 75 (Richard Delgado (Ed.), Temple University Press, Philadelphia (1995)).
[21] *Id.*
[22] *Id* at 75-76.
[23] *Id* at 76.

that the dominant groups in society believe that gains by black people threaten the status quo.[24]

Richard Delgado argues[25] that free speech guarantees under the First Amendment do not protect minorities since - during the civil rights movements when blacks marched for equal rights – the speech of civil rights activists was repressed as being too radical.[26] Delgado notes that the First Amendment co-existed with slavery for nearly one hundred years.[27] Accordingly, free speech was never intended to benefit African Americans and is not inconsistent with racism. Despite this, Bell notes, ironically, that the struggle of the black people for racial justice effected in much of the protection which the guarantee of free speech now affords for individual rights.[28]

Matsuda[29] identifies the manifestations of racism as ranging from violence and genocide to racial hate messages, disparagement and threats to overt and covert disparate treatment.[30] Within this spectrum, violence and hate propaganda have been renounced by power elites, but other forms of racism - such as segregated private clubs and schools and neighborhoods - have not.[31] Thus, lower class whites used burning crosses and violence against people of color, while upper classes used private clubs. Effectively, Matsuda says,

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[24] *Id* at 81.
[25] Richard Delgado, Are Hate Speech Rules Constitutional Heresy? A Reply to Steven Gey, 146 U. PA. L. REV. 865 (1997).
[26] *Id* at 875.
[27] *Id.* The Bill of Rights was ratified in 1789, while the 13th Amendment which abolished slavery was ratified in 1865.
[28] Bell, *supra*, at 81.
[29] Mari Matsuda, Public Response to Racist Speech: Considering the Victim's Story, Words that Wound: Critical Race Theory, Assaultive Speech and the First Amendment, 17 (Westview Press, 1993).
[30] *Id* at 23.
[31] *Id.*

whites manipulate issues to feel righteous indignation against reverse discrimination in issues such as affirmative action.[32]

The proponents of critical race theory, therefore, see racism as built into the American political system. Within the system, blacks, the minority group, are generally disenfranchised from speech and, where they attempt to articulate the inequities in society are criticized as being biased or are confronted with incidences of reverse racism.[33]

According to Matsuda, hate speech is "violence of the word" since "hate messages, threats, slurs, epithets and disparagement all hit the gut of those in the target group."[34] The effects of this hate speech, both psychological and emotional, include fear, rapid pulse rates, "difficulty breathing, nightmares, post-traumatic stress disorder, hypertension, psychosis and suicide."[35] Beyond this Matsuda chronicles that victims of hate speech are forced to leave jobs and homes, forgo education, avoid public places, curtail the exercise of their right to speak and reject their identities.[36]

The argument usually is that the recipient of free speech may reject the message. However, Matsuda insists that even with attempts to resist hate propaganda, such speech damages self esteem and the sense of personal security[37] since all human beings are afraid of being hated and alone.[38]

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[32] *Id.*
[33] A good example of this is Steven Gey's comparison of theories opposing hate speech with theories supporting McCarthyism. *See* Steven G. Gey, The Case Against Postmodern Censorship Theory, 145 U. PA. L. REV. 193,195.
[34] Public Response, *supra,* at 23.
[35] *Id* at 24.
[36] *Id* at 24-25.
[37] *Id* at 25.
[38] *Id.*

Matsuda sees loneliness as being caused not solely by the hatred being meted out by racist groups but because of the lack of response from the government to prevent against this speech.[39] Effectively, victims must either associate with a community which promotes speech derogatory to themselves or come to terms with the fact that they are not a part of the community (because the community's laws do not protect them.)[40]

Matsuda also points to research in psychology which shows that, despite efforts on the part of victims and well-meaning dominant groups to resist the message, racist propaganda takes effect in the subconscious of these groups leading them to believe there might be truth in the propaganda.[41] To this extent, no matter how offensive the concept of racial inferiority may be to well-meaning Americans, hate speech intrudes into the individual's mind, leading to negative racial stereotyping affecting relations among racial groups.[42] Some victims, on the other hand, at the same time as they reject the message, absorb it, themselves, leading to a process of obsequious behavior when members of the dominant group behave positively towards them. This is because deeply imbedded in their psyche they do not believe they are worthy of being treated as equals.[43]

Having identified the evils caused by racist speech, Matsuda notes her concern for the fact that the legal responses to hate speech convey a message to society that such speech is worthy of protection. Thus, she laments the limited doctrinal imagination of the legal system manifested in the following areas:

1. the failure to create First Amendment exceptions for racist hate speech;

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[39] *Id* at 25. This occurs where hosts of police escorts are deployed to protect hate speakers from attack, the court deems it necessary to protect hate speech as having value (*See Skokie, supra, and R.A.V.),* and racist attacks are dismissed as pranks.
[40] *Id.*
[41] *Id.*
[42] *Id.*
[43] *Id.*

2. the refusal to recognize the competing values of liberty and equality at stake in the case of hate speech;
3. the refusal to view the protection of racist speech as a form of state action.[44]

1. The Case for First Amendment Exceptions for Racist Hate Speech

Matsuda argues that by recognizing the victim's side in cases involving privacy and defamation, but not where it involves hate speech, the legal system applies the law unequally.[45] She notes that the limited access which victims of racist speech already have to counter speech is exacerbated by the effects of hate speech in discrediting their counter speech.[46] Thus where absolutist free speech principles are applied to hate speech it burdens the dispossessed group targeted by this speech with a "disproportionate share of the costs" of free speech.[47] Effectively, then, in the effort to promote tolerance of hate speech; equality is sacrificed.[48]

2. Interplay of values of liberty and equality with freedom of speech:

The second effect of the failure to hear the victim's story is the inability to give weight to competing constitutional values of equality, liberty and personality which have been recognized internationally.[49] The United States is one of the few western countries in the world which fosters race hatred by protecting hate speech. The United States' constitutional commitment to equality[50] is threatened where hate speech is protected.[51]

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[44] *Id* at 47.
[45] *Id.*
[46] *Id* at 48.
[47] *Id.*
[48] *Id.*
[49] *Id* The International Convention on the Elimination of All Forms of Racial Discrimination, New York March 7, 1966. *Available at* http://www.hri.org/docs/ICERD66.html. *Last visited on* 3/27/2003. condemns "all propaganda and all organizations …based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or which attempt to promote racial hatred and discrimination in any form," and makes punishable "all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination...and also the provision of any assistance to racist activities, including the financing thereof.
[50] *See* the XIV Amendment.

3. Protection of Racist Speech as a form of state action:

The third doctrinal pillar protecting hate speech is the refusal to recognize tolerance and protection of hate speech as government action in support of this form of speech.[52] In this context hate groups operate openly in all fora.[53] Allowing the Klan to exist openly with police protection and access to public facilities, streets, and college campuses effectively promotes racist speech, Matsuda believes.[54] Additionally the failure to provide legal redress in cases of open display of cross burnings and other racial and ethnic slurs conveys legitimacy, as does the failure to provide redress by regulating such propaganda.[55] The effect of these omissions is to "elevate the liberty interests of racists over their targets."[56]

Because the majority perspective is that racist speech is private the government fails to make the connection with the loss of liberty,[57] and by protecting the Klan's right to march and exist publicly it is given the leeway to legitimize racism,[58] and also to devalue, degrade and rob masses of people of their personhood.[59]

By not providing recourse to victims of hate speech, the law effectively intensifies the injury to these groups who realize pain of knowing that their government does not care that they are being dehumanized by hate speech.[60] As aggressors, racist groups can be dismissed as a marginal pocket within society. The government represents the

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[51] Public Response, *supra,* at 48.
[52] *Id.*
[53] *Id.* Matsuda mentions prisons, media, law enforcement and other government institutions.
[54] *Id.*
[55] *Id.*
[56] *Id* at 49.
[57] *Id.*
[58] *Id.*
[59] *Id.*
[60] *Id.*

society.[61] Thus the denial of legal recourse against hate speech also constitutes a denial by the government of the personhood of the victims.[62]

Matsuda agrees with legal realists who see the law as a reflection of societal values.[63] Thus, the legal system's regression to "discredited doctrinal absolutism" in the case of hate speech implies, though unintentionally, that racist activities are supported by the law.[64] In as much as American society expresses its moral positions through the law, Matsuda sees the absence of laws against racist speech as "telling."[65] In this context Matsuda argues that since hate speech causes significant harm and has marginal truth value it should be subject to regulation.[66]

Traditionally, defenders of protecting racist speech have relied on the marketplace of ideas first amendment theory in which there are no "false ideas" and all ideas compete equally for acceptance as the majority position.[67] In this context the belief arises that racist speech should not be criminalized because it is content-based speech.[68] This position is often coupled with the view that if censorship is allowed in one area such as racist speech, it will soon be allowed in other areas of speech having greater importance to the democratic process such as political speech, leading to government proscription of dissenting views.[69] Free speech advocates also argue that unless the Ku Klux Klan is allowed to vent its positions it may be "forced" to choose "more violent and clandestine

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[61] *Id.*
[62] *Id.*
[63] *Id.*
[64] *Id.*
[65] *Id.*
[66] *Id* at 26.
[67] *Id* at 31-32.
[68] *Id* at 33.
[69] *Id.*

means of obtaining its goals."[70] Another argument is that by allowing hate mongers freedom to speak, more liberal members in society get an opportunity to educate them or at least counter their attacks.[71]

Because the government's position is that racist speech should be protected, the corollary is that the government feels obligated to take positive steps to protect the rights of racist speakers. These steps include "making public facilities available on a non-discriminatory basis to groups wishing to express their race hatred."[72] It also includes police protection for speakers threatened by counter demonstrators.[73]

These positions, aimed at protecting first amendment and free speech values, are seen by Matsuda as being fundamental to the government structure in America.[74] Nonetheless, the fundamental problem for Matsuda is that several forms of speech in America do not enjoy the same protection which racist speech enjoys.[75] This includes commerce and industrial relations, false advertising, privacy, defamation and "fighting words."[76] Matsuda believes hate speech can be limited in a similar manner consistent with the First Amendment.[77]

Matsuda's response to court judgments in cases such as *Village of Skokie v. National Socialist Party*[78] and *R.A.V v. St. Paul, Minnesota,*[79] which have decided against

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[70] *Id.*
[71] *Id.*
[72] *Id.*
[73] *Id.* Matsuda notes that because the Klan's speech draws opposition from other groups they are "entitled to publicly financed police escorts." *Id.*
[74] *Id.*
[75] *Id* at 34. While Matsuda recognizes the bases of these ideas in a history of repression by sedition laws and during the McCarthy Era, Civil rights movement and Vietnam protests she does not believe they are sound. *Id.*
[76] *Id.*
[77] *Id* at 34-35.
[78] 373 N.E. 2d 21 (Ill. 1978). In this case the Illinois Supreme Court held it that a march with swastikas by a Nazi into a Jewish neighborhood where the citizens were primarily survivors of the holocaust was symbolic speech protected by the First Amendment.

singling out racist speech for regulation, is to make punishable only the worst cases of racist messages which fit into a three-pronged criterion test before being capable of prosecution. The three prongs suggested are:

1. the message is of racial inferiority;
2. the message is directed against an historically oppressed group;
3. the message is persecutory, hateful and degrading.[80]

Racist speech which needs protection invariably proclaims racial inferiority, denying the personhood of the target group by stereotyping the group.[81] For Matsuda it was also important to recognize the connection of racist speech to power and subordination, and its role as a mechanism for subordinating a group on the basis of race, rather than simply seeing it as prejudice and race hatred.[82] Finally, Matsuda links hate speech to "fighting words" because of its "persecutory, hateful and degrading" nature.[83]

PART II: ATTEMPTS TO PROSCRIBE HATE SPEECH

Before looking at the prior history of the Virginia case it is important to fit the case within its historical context by tracing the development of United States Supreme Court jurisprudence on hate speech and the laws which proscribe it. Historically, the Supreme Court has not recognized hate speech as speech which can be proscribed. The Court has only proscribed hate speech when it falls into the category of "fighting words" or another recognized category of speech not having First Amendment protection. The major U.S. Supreme Court cases in this area are:

Chaplinsky v. New Hampshire

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[79] 505 U.S. 377 (1992).
[80] *Id* at 36.
[81] *Id.* This is the first element to be proven in Matsuda's formulation.
[82] *Id.* This is the second element to be shown in Matsuda's formulation.
[83] *Id.* This is the third element to be shown in Matsuda's formulation.

The 1942 case *Chaplinsky v. New Hampshire,*[84] though not directly involving hate speech, has often been cited by persons in favor of proscribing hate speech as authority for the position that such speech may be proscribed.

Chaplinsky was distributing literature denouncing all legislation as a racket. When confronted by the City Marshal, Chaplinsky shouted at him, describing him as a racketeer and fascist.[85] Chaplinsky was prosecuted under a statute which forbade "addressing any offensive, derisive or annoying words to any other person who is lawfully in any street or other public place and calling anyone by an offensive or derisive name."[86]

The Supreme Court held that the statute was constitutional since it did no more than "prohibit the face-to-face words plainly likely to cause a breach of the peace by the speaker – including 'classical fighting words,' words in current use less 'classical' but equally likely to cause violence, and other disorderly words, including profanity, obscenity or threats."[87]

This is the formulation of the "fighting words" doctrine which still today constitutes a valid exception to the right to free speech.

Beauharnais v. Illinois

In *Beauharnais v. Illinois*[88] the Supreme Court upheld the constitutionality of a criminal libel law[89] and the conviction of Beauharnais for utterances promoting friction amongst racial and religious groups.

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[84] 315 U.S. 568 (1948).
[85] *Id* at 569.
[86] N.H. Pub. Laws ch. 378,§ 2.
[87] *Id* at 573. Thus, the Court held "a statute punishing verbal acts, carefully drawn so as not unlikely to impair liberty of expression is not too vague for a criminal law."

[88] 343 U.S. 250 (1952).

In this case Beauharnais[90] distributed literature portraying blacks in a negative manner and calling on city officials to halt "the invasion of white people, their property, neighborhoods and persons by black people." He was convicted of group libel by the Illinois Supreme Court under the libel statute.

On appeal to the United States Supreme Court, Justice Felix Frankfurter found that the statute did not contravene the free speech guarantee imposed on states under the due process clause in the Fourteenth Amendment to the Constitution.

The Illinois Supreme Court had indicated that the statute was a form of criminal libel law.[91] The U.S. Supreme Court said that since libelous utterances were not protected by the Constitution, the court rejected the contention by Beauharnais that failure to instruct the jury that the publication should be likely to produce a "clear and present danger" of a substantive evil nullified the decision.[92]

Although the basis of the decision was libel law, the Court also took into account Illinois' turbulent history of racial strife and recognized that, based on this fact; Illinois lawmakers had good reason to pass the criminal libel law.[93] While recognizing that even those laws might not be enough to curb racial resentment, the court, nonetheless said:

> It would be out of bounds of the judiciary to deny the legislature a choice of policy, provided it is not unrelated to the problem and not forbidden by some explicit limitation on the state's power. That the legislative remedy

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[89] Ill. Rev. Stat § 224a (1949) states: "It shall be unlawful for any person, firm or corporation to manufacture, sell, or offer for sale, advertise or publish, present or exhibit in any public place in this state any lithograph, moving picture, play, drama or sketch, which publication or exhibition portrays depravity, criminality, unchastity, or lack of virtue of a class of citizens, of any race, color, creed or religion which said publication or exhibition exposes the citizens of any race, color, creed or religion to contempt, derision or obloquy or which is productive of breach of the peace or riots..." *Id.*

[90] The judgment never mentions Beauharnais' first name.

[91] *Id* at 255-256. Under Illinois law at the time, truth was not a defense to libel unless the publication was made with "good motive and for justifiable ends" so the U.S. Supreme Court dismissed an argument by Beauharnais that the lower court had rejected an offer by him to show proof of the documents since, the publication not having been made with good motive, truth would not be a defense. *Id.*

[92] *Id* at 266.

[93] *Id* at 261.

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> might not in practice mitigate the evil, or might, itself raise new problems, would only manifest once more the paradox of reform. It is the price to be paid for the trial-and-error inherent in legislative efforts to deal with obstinate social issues.[94]

Brandenburg v. Ohio:

In 1969, some 17 years after the *Beauharnais* decision, the Supreme Court overturned a conviction under a statute prohibiting the advocacy of "crime, sabotage violence or unlawful methods of terrorism" and found the statute unconstitutional.

In *Brandenburg v. Ohio,*[95] the leader of a Ku Klux Klan group, invited a journalist to a KKK rally to film the events, portions of which were broadcast both locally and nationally. During the film, the KKK members made several phrases derogatory of black people.[96]

The Supreme Court held that Ohio's Statute violated the First Amendment protection given to free speech because "mere advocacy" of the need to resort to force was different than action taken to prepare to use force.[97] The Court said:

> "...a statute which fails to draw this distinction impermissibly intrudes upon the freedoms guaranteed by the First and Fourteenth amendments. It sweeps within its condemnation speech our Constitution has immunized from government control."[98]

The essential holding contained in the *per curiam* opinion was that "legislative proscription of advocacy was not constitutional" except where the advocacy was:

1. Aimed at inciting or producing imminent lawless action; *and*

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[94] *Id* at 262.
[95] 395 U.S. 444 (1969).
[96] These included, "How far is the nigger going to-yeah", "this is what we are going to do to the niggers," "A dirty nigger." In the speech he also said, "...we're not a revengent organization, but if our President, our Congress, our Supreme Court, continues to suppress the white causasian race, it's possible that there might be some revengeance taken," and references to the need for "niggers" to be returned to Africa and Jews to Israel. *Id* at 446-447.
[97] *Id* at 447-448.
[98] *Id* at 448.

2. Likely to incite or produce such imminent, lawless action.

Thus, effectively, the Court delineated a two part test for determining whether speech can be proscribed.

PART III: *R.A.V. v. City of St. Paul, Minnesota*

The definitive case outlining the current legal position on hate speech and cross burning is *R.A.V. v. City of St. Paul, Minnesota,*[99] where the Supreme Court decided that St. Paul's Bias-Motivated Crime Ordinance,[100] that regulated the display of racist symbols that would arouse anger in another was unconstitutional.

A. *The Facts*

The Motivated Crime Ordinance provided:

> Whoever places on public or private property a symbol, object, appellation, characterization or graffiti, including but not limited to a burning cross or a Nazi swastika which one knows or has reasonable grounds to know arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender commits disorderly conduct and shall be guilty of a misdemeanor."[101]

In *R.A.V.*, a group of 17-year-old Caucasian teenagers assembled a crudely made cross of broken chair legs and burned it inside a black family's fenced yard. The youths were sued under the Bias-Motivated Ordinance.[102] The trial court initially dismissed the action because it violated the Minnesota Code by censoring expressive conduct.[103]

B. *The Minnesota Supreme Court's Decision*

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[99] *Id.*
[100] MINN. STAT. § 292.02 (199).
[101] *Id.*
[102] *Id.* Another action was also brought under MINN. STAT. § 609.2231(4) (SUPP. 1990) aimed at racially motivated assault but this action was not challenged.
[103] In the Matter of the Welfare of R.A. V., N.W. 2d. 507, 508.

On appeal to the Minnesota Supreme Court, Judge Esther Tomljanovich said burning a cross on a black man's property was "deplorable conduct" that could be prohibited.

The Judge rejected R.A.V.'s[104] overbreadth challenge[105] and espoused instead the presumption of the constitutionality of a statute and the fact that the Court should, wherever possible, narrowly construe a statute subject to overbreadth so as to limit its scope and cure the defect.[106] She distinguished the case from an earlier case in which a statute prohibiting the burning of the American Flag was found to be unconstitutional.[107] The Court said that, unlike the statute in the flag-burning case, the Bias Motivated Act did not assume all "cross burnings irrespective of context would be subject to prosecution"[108] but only conduct "directed to inciting or producing imminent lawless action," within the *Brandenburg* definition.[109]

C. The United States Supreme Court's Decision

While the Supreme Court unanimously overturned the Court of Appeal's decision, the Court was divided and three Justices wrote concurring opinions which were bitingly critical of the majority opinion written by Justice Antonin Scalia.

1. *The Majority Opinion*

Two issues were on appeal before the Supreme Court. The first was whether a content-based "hate crime" ordinance "prohibiting the display of symbols including a

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[104] R.A.V. is the initials of one of the youths charged.
[105] A statute is overbroad when it reaches not only speech which is unprotected by the First Amendment, but "expressive conduct that causes only hurt feelings, offense or resentment," which is protected by the First Amendment. *See R.A.V. v. City of St. Paul,* 505 U.S. 377, 414.
[106] *Id.* At 509.
[107] Texas v. Johnson, 491 U.S. 397 (1989). In *Texas v. Johnson,* the Court found that burning the American flag was expressive conduct and a statute which prohibited such an action was unconstitutional.
[108] *In the Welfare of R.A.V.*, at 510. A statute is overbroad where it would proscribe more speech than necessary in order to meet the compelling state interest being
[109] *Id.*

Nazi swastika or burning cross in public" violated the overbreadth and vagueness principles of the First Amendment.[110] The second issue was whether a vague and overbroad content-based restraint of expression could be saved by limiting the construction of the statute.[111]

The U.S. Supreme Court, although accepting the lower court's finding that the statute reached only expressions constituting "fighting words" which were proscribable[112] within the *Chaplinsky* meaning,[113] found, nonetheless, that the statute was facially unconstitutional because it prohibited otherwise protected speech solely on the basis of its subject matter.[114]

The U.S. Supreme Court said speech "of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality"[115] was *constitutionally proscribable content*. (Emphasis by the Court.) However, Justice Antonin Scalia, who wrote the majority opinion, said that such speech was not "invisible" to the First Amendment and, therefore, could not be made into "vehicles for content discrimination unrelated to their distinctively proscribable content."[116] Scalia said that "fighting words," though not "an *essential* part of any exposition of ideas,"[117] were not considered without a part to play in the

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[110] *R.A.V., supra,* at 398 in footnotes.
[111] *Id.*
[112] *See* Chaplinsky v. New Hampshire, 315 U.S. 568 (1942), where the Court found a statute which prohibited words likely to cause violence or a breach of the peace to be constitutional.
[113] *In the Welfare of R.A.V., supra* at 510-11.
[114] *R.A.V. v City of St. Paul,* 505 U.S. 377, 381 (1992).
[115] *Chaplinsky,* 315 U.S. at 572.
[116] *Id* at 384.
[117] *Id* quoting from *Chaplinsky, supra,* at 571-572.

"expression of ideas." (Emphasis by the Court.)[118] Thus, for Scalia, "fighting words" were entitled to some protection under the Constitution.

While Scalia recognized a history in the United States Supreme Court of upholding statutes reasonably restricting the "time, place and manner" in which certain speeches were made where justified,[119] he balked at the idea of Congress regulating speech because of its "hostility or favoritism toward the underlying message expressed."[120]

The Court held that, despite the narrow construction given the statute by the Minnesota Supreme Court, the ordinance was facially unconstitutional[121] because it sought to limit speech only where it amounted to "fighting words" and only where it would provoke violence "on the basis of race, color, creed, religion or gender,"[122] which constituted content discrimination.

Thus, the Court found that the Statute permitted content such as displays that were "abusive, invective no matter how vicious or severe" since they did not fall into the category of "fighting words."[123] At the same time, the Court said, the statute suffered from viewpoint discrimination because "fighting words" not invoking, race, color, creed, religion or gender were not proscribed.[124]The Court found that St. Paul, in selecting

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[118] *Id.*
[119] The Court cited *Ward v. Rock Against Racism,* 491 U.S. 781, 791 (1989).
[120] *R.A.V., supra,* at 386. The Court said that lawmakers should not discriminate against speech on the basis of content. *Id* at 387
[121] *Id* at 391.
[122] *Id.*
[123] *Id.*
[124] *Id.* The Court rejected St. Paul's contention that the statute was "content specific" because a general "fighting words" law would not communicate effectively to racist groups that the majority would not condone hate speech. The Court asserted that the First Amendment was aimed at preventing majority preferences from silencing speech on the basis of content. *Id* at 392.

particular types of content for regulation,[125] was seeking to "handicap the expression of particular ideas" which, alone, would invalidate the statute.[126]

The Court rejected St. Paul's argument that the statute fell within the "secondary effects" exception category recognized by the Court in cases where the statute was aimed at addressing a "secondary effect" in society caused by the speech rather than prohibiting speech itself.[127] St Paul argued that the statute was aimed, not at preventing the free expression of the accused, but at preventing the victimization of groups historically vulnerable to such attacks.[128] The Court said that the "listener's reactions" to speech were not within the category of the "secondary effects" which past Court decisions had been directed at preventing.[129]

Scalia also rejected the conclusion of the Minnesota Supreme Court that even if the St. Paul ordinance regulated expression based on hostility to its ideological content; it was justified being narrowly tailored to serve a compelling state interest of ensuring basic human rights to groups historically subject to discrimination.[130] The U.S. Supreme Court held that a facially content-based statute could only be valid where necessary to serve the asserted compelling interest.

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[125] *Id* at 393. The Court was concerned that the statute did not limit itself to "fighting words" which were threatening (as opposed to merely being obnoxious) and that the words had to relate to racial, gender or religious intolerance.

[126] *Id* at 393. The Court said that this was substantiated by the fact that the prosecutor in the St. Paul case had argued in the Juvenile court that "the burning of a cross does express a message and it is in fact, the content of that message which the St. Paul Ordinance attempts to legislate." *Id.* Scalia said that it was the mode of expression rather than the ideas communicated by "fighting words" which caused them to be outside the protection of the First Amendment.

[127] The Supreme Court had held in other cases that statutes which are aimed at stemming some other evil in society apart from the speech itself could be proscribed. Classically this has been recognized in zoning ordinances aimed at protecting neighborhood standards. *See* Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986) in which the Court upheld a zoning ordinance as an acceptable form of "time, place and manner" restriction since it was not aimed at restricting the content of an adult film, but at preventing the secondary effects on the surrounding community in terms of the loss of business and respectability to the society.

[128] *Id* at 394.

[129] *See* Renton v. Playtime Theatres, Inc., *supra.*

[130] *Id.* at 395.

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The Court found that content discrimination was unnecessary to achieve St. Paul's compelling interests[131] since "an ordinance not limited to the favored topics...would have precisely the same beneficial effect."[132]

2. *The R.A.V. Concurrences:*

Justice Byron White,[133] in his concurring opinion, said that the case should have been decided wholly on the basis that the statute was overbroad and unconstitutional because it regulated both speech protected and not protected by the First Amendment.[134] He said the majority position overturned precedent "casting aside long-established First Amendment doctrine without the benefit of briefing" to adopt an "untried theory" and that the court's reasoning was "transparently wrong."[135]

White said that in past decisions the Supreme Court had recognized discrete categories of proscribable expression[136] when the expression was of *de minimis* value to society.[137] Thus previous cases, White said, had used a principled and narrowly focused approach to "distinguish between expression which the government could regulate freely" and that which could only be regulated on the basis of content where it was shown that there was a compelling need.[138]

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[131] *Id* at 395-6.
[132] *Id* at 396.
[133] Joined by Justice Blackmun, O'Connor and Stevens (in part).
[134] *Id* at 397. White suggested that the statute in addition to proscribing speech not protected by the Constitution also prohibited speech constitutionally protected such as conduct causing "hurt feelings, offense or resentment." (*Id* at 414.)
[135] *Id* at 398.
[136] *Id* at 399. He cites *Chaplinsky, supra* at 571-572.
[137] *Id* at 400.
[138] *Id.*

White asserted that this categorical approach was firmly entrenched in the First Amendment jurisprudence.[139] Thus, he disagreed with Scalia's majority opinion that even expression not deserving First Amendment protection should be protected from content-based restriction.[140] For White, once speech was not protected by the First Amendment, the content of the subset was "by definition worthless and undeserving of constitutional protection."[141]

White objected to the Court's characterization of "fighting words" as falling within a category of speech proscribable by "time, place or manner" restrictions, when, in fact, it was a ban on a class of speech conveying a message of personal injury and imminent violence.[142] He said that "by placing hate speech on the same footing as political discourse and other forms of speech," recognized as having social value, the majority effectively devalued political speech[143] and obscured the line between speech that could be regulated freely on the basis of content and that which could not be regulated except with a compelling state interest.[144]

Because "fighting words" were not aimed at "exchanging views, rallying support or registering a protest," but at provoking individuals to violence or inflicting injury,

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[139] *id.* He noted that in *Roth v. United States,* 345 U.S. 476, 482-3 the Court said it was "apparent that he unconditional phrasing of the First Amendment was not intended to protect every utterance."*(Id.).*

[140] *Id* at 401. White noted that under Scalia's formulation, if the government wanted to criminalize certain fighting words, it would have to regulate all fighting words which was "a simplistic, all-or-nothing-at-all approach to First Amendment protection … at odds with common sense and with our jurisprudence as well." *Id.* Justice John Paul Stevens, in his concurring opinion, also disagreed with the majority position that all speech or no speech at all should be proscribed which he saw as fundamentally in conflict with First Amendment jurisprudence and law. *Id* at 419.

[141] *Id* at 401. Justice John Paul Stevens, in his concurrence also disagreed with the finding that the First Amendment prohibited the regulation of "fighting words" by subject matter" *Id* at 418.

[142] *Id* at 408.

[143] *Id* at 403.

[144] *Id.*

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banning such speech only restricted the social evil of hate speech "without creating a danger of driving viewpoints from the marketplace."[145]

White decried the majority decision as a departure from precedent because, even were the statute a content-based regulation of protected expression, if it was shown to be "necessary to serve a compelling state interest" and "narrowly drawn" to achieve this end it should be proscribable.[146] However, while the majority recognized the interest as "compelling," they ignored this fact in their judgment, and moved onto another "dispositive position" of whether the statute was "reasonably necessary" to achieve St Paul's compelling interest.[147]

White derided the majority for patching up its arguments with an apparently non-exhaustive list of ad-hoc exceptions" to the very rule they proposed.[148] He said that the exceptional scenario painted by the majority where content-based discrimination would be allowed where the basis of the discrimination was the reason for the entire class of speech to be proscribed, effectively swallowed up the majority decision since the St. Paul statute fell within this category.[149]

White also suggested that the "underbreadth" doctrine,[150] which the majority in *R.A.V.* appeared to have created, served no "desirable function" except the continuation

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[145] *Id.*
[146] *Id* at 403 quoting 395.
[147] *Id* at 404. White criticized the majority because effectively even if the statute was narrowly drawn, content based it would be held unconstitutional "if the object could be achieved by banning a wider category of speech."
[148] *Id* at 407. As he saw it these were intended either to limit the effects of the decision to the particular case or in anticipation of the questions which would arise from the decision. *Id.*
[149] *Id* at 408.
[150] *Id* at 402. White in using the term "underbreath" appears to be referring to the way in which the majority applied the "content discrimination" test. Thus "the assortment of exceptions [attached by the Court on the rule belied for him the majority's claim to be concerned with content discrimination.]" *Id.*

of evil and worthless expressive conduct.[151] Thus, he said, the majority holding sent a message that "expressions of violence including intimidation and racial hatred conveyed by burning a cross on someone's lawn [were] sufficient value to outweigh the social interest in order and morality."[152]

Effectively, for White, the majority ruling left the legislator two courses to adopt- either to enact a sweeping prohibition of an entire class of speech; or not to pass any laws at all.[153]

Justice Harry Blackmun, in his concurrence, also regretted the majority opinion and the possibility that, following its precedence might prevent states in the future from regulating speech which caused great harm, thereby relaxing the scrutiny used in content-based speech.[154]

Justice John Paul Stevens, in his concurring opinion,[155] took issue with the majority position that, he said, revised the categorical approach from recognizing certain categories of speech as being unprotected to the position that certain "elements of speech [were] proscribable."[156] He said that earlier decisions of the Court had tended to show that content-based distinctions "were not presumptively invalid, but an inevitable and indispensable aspect of a coherent understanding of the First Amendment."[157] Stevens

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[151] *Id* at 402.
[152] *Id.* This was so despite the fact that 'fighting words' had traditionally been outside of first amendment protection. He criticized the majority for the characterization of fighting words as a form of "debate" thereby legitimizing hate speech as a form of public discussions. *Id.*
[153] *Id* at 405.
[154] *Id* at 415. He said he saw no first amendment value that was compromised by a law prohibiting "hoodlums from driving minorities out of their homes by burning crosses on their lawns," but saw "great harm in preventing the people of Saint Paul from specifically punishing the race-based fighting words that so prejudice their community."
[155] *Id* Stevens was joined in his concurrence by justices White and Blackmun.
[156] *Id* at 418.
[157] *Id* at 420.

said that other cases had decided that the level of protection given to speech was determined by its subject matter.[158]

Stevens noted the hierarchy in constitutional protection of speech - which ranged from core political speech, which is most protected, to obscenity and "fighting words" which are least protected. While agreeing that the later categories of speech did enjoy some protection, he asserted they did not have the same protection as political speech. He said that a ruling that "fighting words" could not be regulated based on subject matter effectively gave them the same level of protection as political speech,[159] and more than commercial speech.[160]

PART IV: BLACK v. COMMONWEALTH OF VIRGINIA

Because of *R.A.V.* before the statute in Virginia can be upheld it would have to be shown it does not suffer from subject bias and is tailored to address cases of all types of incitement or "fighting words."

A. The Virginia Statute

The Virginia Statute provides:

> It shall be unlawful for any person or persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross on the property of another, a highway or other public place. Any person who shall violate any provision of this section shall be guilty of a Class 6 felony.
>
> Any such burning of a cross shall be prima facie evidence of an intent to intimidate a person or a group of persons.[161]

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[158] *Id.* Stevens cites *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976) where the Court determined that "the line between permissible advocacy and impermissible incitation to crime and violence depends not merely on the setting in which the speech occurs, but also on exactly what the speaker had to say;" and *Musser v. Utah*, 333 U.S. 95 (1948).
[159] *Id* at 422.
[160] *Id.*
[161] VA. CODE ANN. § 18.2-422.

Passed in the 1950s in an atmosphere of "racial, ethnic and religious intolerance,"[162] the statute was intended to combat the intimidating effects of cross burning on the property of African Americans. Initially the statute had extended only to acts on property of another without permission.[163] In 1968 the limitation on location was removed and in 1975 the inference of intention added.

B. The Facts

Black v. Virginia[164] involved three different actions joined together by the Supreme Court of Virginia in 2001.

The first case involved Richard Elliott and Jonathan O'Mara. Elliott lived next door to James Jubilee, an African American[165] who had complained to Elliott's wife about hearing gunshots in Elliott's backyard.[166] In May 1998 - Elliott, apparently chagrined by Jubilee's complaint - at a party at the home of David Targee told several persons about the fact of Jubilee's complaint. Elliott, Targee and O'Mara made "hastily constructed crude[167] Targee then drove Elliott and O'Mara over to Jubilee's home where the latter two set the cross on fire.[168] Jubilee later discovered the partly burned cross and notified the police.[169]

In August 1998, a white supremacist, Barry Elton Black, burned a cross during a Ku Klux Klan rally.[170] The rally took place in public view at the private residence of

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[162] *Black v. Commonwealth of Virginia,* 262 Va. 764 (2001).
[163] *Id.*
[164] *Supra.*
[165] *Black v. Commonwealth of Virginia,* at 768,
[166] *Id.*
[167] *Id* at 765.
[168] *O'Mara v. Commonwealth of Virginia,* 33 Va. App. 525 at 529 (2000).
[169] *Id.*
[170] Julian Borger, *Supreme Court to decide on Klan's burning cross: is it freedom of speech or incitement to violence,* THE GUARDIAN(LONDON), Dec. 11, 2002, at 18.

Annabell Sechrist with her consent and with her presence, and participation.[171] Two sheriffs parked close to the proceedings noted several cars passed the scene of the lit cross, including only one that contained an African American family.[172] However, Rebecca Sechrist, a Caucasian female who lived on the adjoining property and was related to Annabell, witnessed the event and testified in court that she was "scared" by the rally. Mrs. Sechrist said, "I was scared our home would get burned or something would happen to it. We've got two...kids and I was afraid that something would happen to them."[173]

O'Mara and Elliott were charged for attempting to burn a cross and[174] Black was charged for burning a cross.[175]

At the trial court level, O'Mara pled guilty to, and Elliott was found guilty of cross burning. The Circuit Court of Virginia Beach, ruling against a challenge to the constitutionality of the Virginia Code by the two,[176] sentenced them to 90 days in jail and a fine of $2,500. The Court also dismissed Black's motion for a dismissal of the indictment on grounds that the statute was unconstitutional and, on conviction, fined Black $2,500.

C. The Court of Appeals' Decision in *Black*

In 2000 the Virginia Court of Appeals[177] upheld the constitutionality of the statute,[178] noting that under the law, when a statute was being challenged, there was the

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[171] *O'Mara* at 782.
[172] Rodney A. Smolla, *Terrorism and the Bill of Rights,* 10 Wm. & Mary Bill of Rights L.J. 551 at 562.
[173] *See Black,* at 782.
[174] *Id* at 783.
[175] *Id* at 781.
[176] *Black, supra,* at 769.
[177] *O'Mara, supra.*
[178] *Id* at 530.

presumption of its constitutionality and, consequently a heavy burden of proof on the challenger.[179]

The court recognized the juxtaposition of the First[180] and Fourteenth amendments,[181] as well as the Virginia Constitution,[182] effectively prohibited the state from limiting speech.[183] The court recognized cross burning as speech because it said that some "conduct may be sufficiently imbued with elements of communication to fall within the scope of the First and Fourteenth amendments" and that "whether an intent to convey a particularized message was present and (whether) the likelihood was great that the message would be understood by those who view it."[184]

However, the court said, although the suppression of speech based on content was unconstitutional,[185] there were some forms of speech recognized as having "such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality."[186] The court included obscenity,[187] "fighting words,"[188] and threats of violence in this category.[189]

Judge Richard S. Bray, who wrote the opinion of the court, fastened onto a "true threat" test which he identified in the U.S. Supreme Court's opinion in *Watts v. United*

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[179] *Id.*
[180] *Supra.*
[181] *Supra.*
[182] Article I §12 of the Virginia Constitution provides that "...the freedoms of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments, than any citizen may freely speak, write and publish his sentiments on all subjects being responsible for the abuse of this right; that the General Assembly shall not pass any law abridging the freedoms of speech or of the press.
[183] *O'Mara, supra,* at 530.
[184] *Id.*
[185] *R.A.V.* at 505.
[186] *Id* quoting from *R.A.V.* at 382.
[187] *R.A.V.* at 383.
[188] *Id.* at 383.
[189] *Id* at 383 citing Watts v. U.S., 394 U.S. 705, 707.

States,[190] which posited speech could be prohibited when "a reasonable person would foresee that the threat would be interpreted as a serious expression of intention to inflict bodily harm."[191] The Court also relied on the "fighting words" test in *Chaplinsky*[192] which removed first amendment protection from "statements which by their very utterance inflict injury or tend to incite an immediate breach of the peace."[193]

The Court said that the flaming cross was historically "inextricably linked … to sudden and precipitous violence- lynchings, shootings, whippings, mutilations and home-burnings, "a connection [with] forthcoming violence [that] is clear and direct."[194] The court also noted that a burning cross conveys ideas capable of eliciting powerful responses from those engaged in the conduct and those receiving the message.[195] Thus, in the court's opinion, the message of a burning cross was a "clear and direct expression of an intention to do one harm," and a true threat irrespective of "racial, religious, ethnic or like characteristics peculiar to the victim"[196] and it also invited a breach of the peace on the part of the victim within the *Chaplinsky* definition.[197] Thus the court found that cross burning was not protected by the First Amendment and subject to government proscription.[198]

The court said that O'Mara's attorneys misapplied *Brandenburg v. Ohio*[199] in contending that a statute prohibiting merely "intimidating someone" was

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[190] 394 U.S. 705. In this case the Court upheld a statute prohibiting a threat of violence against the President.
[191] *O'Mara, supra* at 532.
[192] *Id.*
[193] *Id.* Quoting *Chaplinsky,* 315 U.S. at 572.
[194] *Id* at 480-481.
[195] *State v. Ramsey,* 311 S.C. 555 (1992).
[196] *Id* at 533.
[197] *Id.*
[198] *Id.*
[199] 395 U.S. 444 (1969).

unconstitutional.[200] The court distinguished the statute in *Brandenburg* as a criminal syndicalist statute proscribing advocacy of the "duty, necessity or propriety of crime, sabotage, violence or unlawful methods of terrorism as a means of accomplishing industrial or political reform." Thus, the *Brandenburg* Court's position that advocacy of that nature should only be proscribed where "directed to inciting or producing imminent lawless action…and likely to incite or produce such action," would not apply in cases involving threats and fighting words which were not protected by the First Amendment and so proscribable.[201]

The court also distinguished the decision in *R.A.V.* where the court, though it rejected the statute because it sought to proscribe speech on the basis of content,[202] said that some speech could be constitutionally proscribed including obscenity and defamation, threats and "fighting words."[203]

Bray threw out O'Mara's contention that the statute was overbroad and underinclusive, affecting both protected and unprotected speech, while singling out one mode of speech and ignoring other modes of proscribable speech.[204]

The Court said that overbreadth became a constitutional issue only when there was a "realistic danger" that the statute would "significantly compromise recognized First Amendment protections of parties not before the court."[205] The Virginia statute only prohibited persons from burning a cross with the specific intent to intimidate another

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[200] *O'Mara, supra,* at 533.
[201] *Id* at 533-534.
[202] *Id* at 381.
[203] *R.A.V., supra,* at 383.
[204] *O'Mara, supra,* at 535.
[205] *Id* quoting from *Parker v. Commonwealth,* 24 Va. App. 681, 690, quoting from *Members of City Council of City of Loss Angeles v. Taxpayers for Vincent,* 466 U.S. 789, 800-801.

which, being a threat and "fighting words" were "unworthy" of First Amendment protection.[206]

Underinclusiveness, on the other hand, Bray said, had only been condemned in the *R.A.V.* decision where the result was content discrimination.[207] The Virginia statute only served to criminalize proscribable expressive conduct which was not content discrimination.[208]

Thus, the Court of Appeals upheld the lower court's ruling. The Court of Appeals also affirmed Black's "conviction "for the reasons stated in *O'Mara v. Commonwealth.*"[209]

D. *The Virginia Supreme Court's Decision:*

The actions against O'Mara, Elliott and Black were combined and an appeal brought before the Virginia Supreme Court.[210] After hearing submissions, the Virginia Court decided by a 4-3 majority to overturn the lower court, holding that the statute was "facially unconstitutional" because it restricted speech on the basis of content and was overbroad.[211] The Court decided that the Virginia cross burning statute was "analytically indistinguishable" from the ordinance found unconstitutional in *R.A.V.*[212]

The majority was unmoved by the commonwealth's argument that the Virginia statute was neutral, applying equally to anyone burning a cross to intimidate another person,[213] and found that the Commonwealth's reliance on *R.A.V.* for the position that

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[206] *Id* at 536.
[207] *Id* at 536.
[208] *Id.*
[209] *Supra. See Black v. Commonwealth Rec No. 1581-9-3,* December 19, 2000 at 1.
[210] *Black v. Commonwealth of Virginia,* 262 Va. 764 (2001).
[211] *Id* at 768.
[212] *Id* at 772.
[213] *Id* at 773.

"threats of violence are outside the First Amendment" was a distortion of the *R.A.V.* holding.[214]

Justice Donald Lemons, speaking for the majority, said that in *R.A.V.*, while the U.S. Supreme Court, did not oppose a statute proscribing all intimidations or threats, with neutral application - would not allow the proscription of intimidation based only on racial, religious or "other selective content-focused categories" because this would violate the first amendment.[215]

The Court, however, distinguished the statute in *Black* since the Commonwealth had selectively only chosen cross burning to be regulated "because of its distinctive message" which was content-based restriction.[216] Although the statute did not explicitly single out "race, color, creed, religion or gender" as the interest being protected by the proscription, the motivation for the statute was obvious, based on the historical and current context of cross burning[217] as well as the imposition of a *prima facie* inference of intention.[218] The Court said that when asked how it could justify the imposition of an inference of intimidation, the commonwealth relied on the "historical context of cross-burning."[219]

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[214] *Id.*
[215] *Id.*
[216] *Id* at 774.
[217] *Id* at 774-775.
[218] *Id.* In looking at the historical context the court noted two cases in other states, *State v. Ramsey*, 311 S.C 555 (1993) and *State v. Sheldon*, 332 Md. 45 (1993) in which both the Supreme Court of South Carolina and the Court of Appeals of Maryland, had decided similar statutes unconstitutional, while observing the historical context in which they had been passed. *Id.*
[219] *Id* at 776.

Thus, Lemons determined that the statute was not aimed at protecting all persons threatened by cross burning, as the Commonwealth contended, but only specific races in society who would be affected by the speech and was not neutrally applicable.[220]

Lemons said that the U.S. Supreme Court in *R.A.V.* did not rule out the possibility of selectively limiting speech because of its "secondary effects" rather than content.[221] The Court found, however, that because of the statute's legislative history, the meaning it attributed to expressive conduct and the prima facie evidence provision, that the statute was aimed at regulating content and not "secondary effects."[222]

Additionally, the statute was overbroad, the Court found, since it criminalized "a substantial amount of expression that - however repugnant - [was] shielded by the First Amendment." Lemons said the threat of criminal prosecution would "chill" the exercise of first amendment rights.[223]

The Court was particularly concerned with the chilling effects of the inference of intention which made the fact of cross burning sufficient evidence of the intent to intimidate.[224] Such a provision, Lemons said, not only chilled expression but led to overbreadth by including in the ambit of prosecutable speech both protected and unprotected speech.[225]

E. *The Concurrence:*

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[220] *Id* at 776.
[221] *Id.* The Court noted as an example, *Renton v. Playtime Theatres Inc.*, 475 U.S. 41 (1980), where an ordinance proscribing the location of an adult movie theatre within 1000 feet of any residential zone, single or multiple family dwelling; church, park or school was held to be a proper regulation of "time, place and manner" the court saw the regulation as being leveled not against the content of the speech but as being aimed at preserving the secondary effects of crime, protecting the city's retail trade, maintaining property values and protecting the quality of the neighborhoods commercial districts and urban life.
[222] *Id* at 777.
[223] *Id.*
[224] *Id* at 778.
[225] *Id.*

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Justice Cynthia Fannon Kinser, joined by Senior Justice Henry Whiting in her concurrence, said that advocacy of the use of violence was protected by the First Amendment except where such speech was "directed to inciting or producing imminent lawless action and is likely to incite or produce such action."[226] She said that burning a cross with the intent to intimidate was not necessarily speech "aimed at producing imminent lawless action" within the *Brandenburg* definition.[227] She cited the fact that the cross burning by Black took place on private property with the owner's permission.[228]

F. *The Dissent:*

Justice Leroy Hassell, Sr.[229] dissented. While recognizing and pledging devotion to both the First Amendment and the Virginia Constitution's guarantee of free speech, Hassell did not believe the provision permitted persons to burn crosses in a manner which "intentionally places another person in fear of bodily harm."[230]

Hassell embraced the presumption of the constitutionality of a statute under the Virginian court's jurisprudence which prevented a statute from being declared void except where it "clearly and plainly violates the Constitution, and in such a manner as to leave no doubt or hesitation in our minds."[231]

Hassell said that the statute did not infringe on the free speech rights of the three defendants since it expressly proscribed only the acts of cross burning performed with the intention "of intimidating any person or group of persons" and where committed "on the

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[226] *Id* quoting from *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1968).
[227] *Id.*
[228] *Id.*
[229] Joined by Chief Justice Harry L. Carrio and Justice Lawrence Koontz, Jr.
[230] *Id* at 781.
[231] *Id* at 786. Quotation from *Commonwealth v. Moore*, 66 Va. 125 Gratt. 951, 953 (1875). The Court said, "... the presumption always is that the legislature has judged correctly of its constitutional powers and the contrary must be clearly demonstrated before a coordinate branch of the government can be called upon to interfere between the people and their immediate representatives." *Id.*

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property of another, a highway or other public place."[232] He noted that under the Virginia Criminal statutes[233] the definition of "intimidation" was limited to acts putting the victim in fear of bodily harm. Such fear must arise from the willful conduct of the accused rather than from some mere temperamental timidity of the victim, however, the fear of the victim need not be so great as to result in terror, panic or hysteria."[234] Thus, the minority said that the statute only proscribed "true threats" which the U.S. Supreme Court had said were proscribable.[235]

Hassell also said that the U.S. Supreme Court's decision in *R.A.V.* acknowledged some speech could be prohibited on the basis of content where the discrimination was based on the "very reason why the entire class of speech was proscribable" and the reason was "neutral enough to support the exclusion of the entire class of speech from first amendment protection."[236] He said that the U.S. Supreme Court had recognized exceptional cases where proscription could be allowed when it was aimed at secondary speech.[237]

The dissenting opinion distinguished the Virginia statute from that in *R.A.V.* because, unlike the latter statute which targeted cross burning known to arouse "anger, alarm or resentment," the Virginia statute was not aimed at "suppressing repugnant ideas" but physical acts "intended to inflict bodily harm" upon victims.[238] Thus, Hassell

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[232] *Id* at 787.
[233] VA. CODE § 18.2-61.
[234] *Sutton v. Commonwealth*, 228 Va. 654, 633 (1985).
[235] *Black, supra,* at 787. The Court was referring to the decision in *Watts v. United States,* at 707. In *Watts* the Supreme Court upheld the constitutionality of a statute prohibiting threatening the President's life.
[236] *R.A.V. supra,* at 388-389.
[237] *R.A.V., supra,* at 389-390.
[238] *Black, supra,* at 791.

said, where cross burning is done without the intent to intimidate, it is not prohibited under the statute.[239]

Hassell distinguished the South Carolina Statute in *Ramsey*[240] and the Maryland Statute in *Sheldon,*[241] both of which proscribed cross burning in a public place without permission of the owner of premises to do so without using the limiting words "intent of intimidating" used in the Virginia statute. Accordingly, he concluded, the Virginia statute does not suffer from the defects recognized by the courts in these two states of content-based restrictions on speech because the addition of the limiting words cured the defect.[242]

Hassell said that the *Brandenburg* decision could not be applied to the *Black* case since in *Brandenburg*, the U.S. Supreme Court had found the statute proscribed advocacy without any incitement to lawless action.[243] On the other hand, in *Black,* the statute proscribed cross burning with the intention to intimidate.[244]

Additionally the Judge noted that Rebecca Sechrist, the owner of the plot neighboring the land on which Black burnt the cross, had testified to feelings of intimidation and fear and Black had never challenged the fact that his acts were sufficient to cause fear in the witness. Accordingly, the State had established intimidation.

Hassell said that in Virginia the *prima facie* inference "merely applies to the rational potency or probative value of an evidentiary fact to which the fact finder may

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[239] *Id.*
[240] *Supra.*
[241] *Supra.*
[242] *Black, supra,* at 792.
[243] *Id* at 794.
[244] *Id.* In the trial court the Jury had been instructed that the word "intimidate" as used in the term "with the intent to intimidate" meant a "motivation to intentionally put a person or group of persons in fear of bodily harm. Such fear must arise from the willful conduct of the accused, rather than from some mere temperamental timidity of the victim; however the fear of the victim need not be so great as to result in terror, panic or hysteria." The jury found each of the Defendant's guilty on the basis of this instruction. *Id.*

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attach whatever force or weight it deems best"[245] and that "inferences are never allowed to stand against ascertained and established facts."[246]Accordingly the jury had the authority to accept or reject the statutory inference, he said. The minority made it clear that the statutory inference did not relieve the Commonwealth of its burden to prove all elements of the statutory crime beyond a reasonable doubt[247] and the jury was instructed to this effect.[248]

PART V: THE UNITED STATES' SUPREME COURT'S POSTURE[249]

Justice Clarence Thomas, the sole African American on the Supreme Court Bench, and seen by some as silent and even "taciturn,"[250] was not quiet during the December oral arguments in the *Black* case before the Supreme Court. Thomas denounced cross-burning as a "symbol of white supremacy and a tool for the intimidation and harassment" of blacks, Jews and Catholics.[251] Accordingly, to Thomas, a burning cross was "unlike any symbol in our society… There's no other purpose to the cross, no communication, no particular message. It is intended to cause fear and terrorize a population."[252]

The *Washington Post*[253] reported that Thomas actually told U.S. Solicitor General, Michael Dreebeen, who led arguments in favor of the constitutionality of the

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[245] *Id* quoting from *Martin v. Phillips,* 235 Va. 523, 526 (1988).
[246] *Id* quoting from *Ragland v. Rutledge,* 234 Va. 216 (1987) citing *Southern Ry. v. Mays,* 192 Va. 68, 76 *cert. Denied* 342 U.S. 836.
[247] *Black, supra,* at 795.
[248] *Id.*
[249] The Supreme Court has not made a ruling to date, but a ruling is expected by June, 2003. Consequently this paper relies on newspaper reports of what the Justices said on the bench.
[250] Charles Lane, *High Court Hears Thomas on KKK Rite; Justice Weighs In on Va. Cross-Burning Ban,* WASHINGTON POST, Dec. 12, 2002, at 10.
[251] *Id.*
[252] *Id.*
[253] *Id.*

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statute, that he had "understated" the effects of cross burning.[254] "We had almost 100 years of lynching and activity in the South by the Knights of Camellia and the Ku Klux Klan, and this was the reign of terror and the [burning] cross was a symbol of that reign of terror," Thomas said.[255] According to the *Washington Post*,[256] Thomas' remarks "electrified the courtroom and appeared to bolster Virginia's case."[257]

Thus, Thomas appears to be ready to find that cross burning is action rather than speech and not protected by the Constitution.

Justice Antonin Scalia, who has been described as a "strict constructionist" in interpreting the first amendment guarantees,[258] described cross-burning as not just speech but "action with the intent to convey a message."[259]

University of Richmond Professor Rodney A. Smolla, who represents the three men charged with cross-burning said the case was "analytically indistinguishable from the Minnesota Statute."[260]

However, Thomas' heated position appeared to have garnered support amongst the other Justices. The interchange between Smolla and some of the justices is indicative of this support.

Smolla asked, "a burning torch and a burning cross- what's the difference?"[261]

"One hundred years of history," Justice Anthony Kennedy shot back.[262]

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[254] *Id.*
[255] *Id.*
[256] *Id.*
[257] *Id.*
[258] Michael Kirkland, *Court Weighs cross-burning ban*, THE WASHINGTON TIMES, Dec. 11, 2002. *Available at* http://www.washtimes.com/upi-breaking/20021211-114004-4107r.htm. *Last visited on* 02/08/2003.
[259] Lane, *supra.*
[260] *Id.*
[261] One Winged Angel, *Cross Burners Inflame Clarence Thomas*, found on N.Y. Times (edited by Dylan) Dec. 12, 2002. *Available at* http://www.plastic.com/comments.html?sid=02/12/12/16441523;cid=11. *Last visited on* 02/08/2003.

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Justice Ruth Bader Ginsburg, for her part, noted that "a flag is a symbol of our government. A cross is not an attack on the government, it's meant to threaten people."[263]

To Smolla's insistence that there was no difference between brandishing a weapon and burning a cross, Scalia, the author of the majority opinion in *R.A.V.*, said:

"I dare say if you were a black man you'd rather see a man with a rifle than a man with a burning cross."[264]

Justice David Souter asked Smolla to account for the fact that the cross "had acquired potency at least akin to a gun."[265] Justice Souter described a burning cross as a "kind of Pavlovian symbol, so that the person who sees it responds not to its message but out of fear."[266] He said that other symbols did not make people scared.[267]

Virginia State Solicitor William Hurd said the Virginia statute protected "a very important freedom…freedom from fear. And it does so without violating freedom of speech."[268]

As in the Virginia Supreme Court, where the statute was ruled unconstitutional in a 4-3 majority decision,[269] the issue laboring heavily on the minds of the justices is the provision in the statute making the burning of a cross prima facie evidence of an intention

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[262] One Winged Angel, *supra.*
[263] Robert B. Bluey, *Supreme Court Revisits Cross-Burning Ban,* CROSSWALK.COM, (nd), *Available at* http://www.crosswalk.com/news/1176068.html. *Last visited on* 02/08/2003.
[264] Michael Kirkland, *Court weighs cross-burning ban,* THE WASHINGTON TIMES, Dec. 11, 2002. *Available at* http://www.washtimes.com/upi-breaking/20021211-114004-4107r.htm. *Last visited on* 02/08/2002.
[265] *Klan crosses become a burning issue,* SUNDAY TIMES, Dec. 15, 2002. *Available at* http://www.suntimes.co.za/2002/12/15/news/world/world01.asp. *Last visited on* 02/08/2002.
[266] *Id.*
[267] *Id.*
[268] *Id.*
[269] *Black v. Commonwealth of Virginia,* 262 Va. 764 (2001).

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to intimidate. Justice Sandra Day O'Connor found this provision "troublesome" since in theory someone could be punished for burning a cross for mere artistic purposes.[270]

Justice Kennedy also wondered whether the law might be premised on "unspecified fear" of "unspecified people."[271]

PART VI: CONCLUSION

A. About the Case...

The single consistent thread in the majority and concurring opinions in *R.A.V.* is that a statute proscribing hate speech must not be overbroad so as to affect speech protected by the First Amendment. Unlike the statute in *R.A.V.*, the Virginia act is limited to speech made with the "intent to intimidate." This is so within the context of a state which defines intimidation as a "threat." Speech which constitutes a threat is not protected by the First Amendment. Thus, the overbreadth appears to have been cured in this statute.

The other concern raised by the majority in *R.A.V.* is that the statute should not discriminate on the basis of content. Justice Bray in his dissenting opinion in the Virginia Supreme Court has argued that the statute criminalized what was recognized as proscribable content and so was not discrimination on the basis of content. At any rate, there is much merit to the minority positions voiced by White and Stevens in *R.A.V.* that where the speech falls into the unprotected category of "fighting words" the issue of content discrimination need not be addressed.

The position taken by the majority in *R.A.V.*, that all subgroups within a category must be included to protect a statute against content discrimination, is unrealistic. It is

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[270] Lane, *supra.*
[271] *Id.*

virtually impossible for any statute to proscribe all evil forms of proscribable content falling within a category. As noted by Justice White in his concurrence, the effect could mean proscribing several areas not requiring proscription.

The Virginia Statute is not intended to discriminate against other groups in society which its provisions do not cover. Nowhere is it said that no other groups should have the protection which the statute attempt to give minority groups. Perhaps, the Court should think about following the lead of the Virginia Supreme Court in upholding the presumption of the validity of the statute, despite the fact that all subgroups within the category are not covered, and leave it to lobby groups to gain the same protection for the groups not covered.

This said, however, the Virginia Supreme Court and Justice Day O'Connor have raised a very relevant question about the likely "chilling effects" of the Virginia statute's prima facie imposition of guilt.

The issue has been addressed by the dissenting justices on the Virginia Supreme Court Bench, in that the jurisprudence of that state is to the effect that the inference does not relieve the prosecution of his duty to make his case. However, if that is the position, it begs the question, why include this phrase at all?

Thus, while the statute would appear to be constitutional on its face, the inference of guilt will make it difficult for the Court to uphold its constitutionality.

Why not hate speech?:

In all of the cases discussed, the Supreme Court, even when upholding the constitutionality of the statute in question, has been careful to frame the decision in terms of an already existing exception to freedom of speech such as group libel, "fighting

words", or threat. The Court has deliberately resisted carving out a new exception to protect minority groups against hate speech. By upholding principles of free speech in the case of cross burning, the government sacrifices its commitment to equal rights.

Freedom of speech is meaningless if there is not a congruent commitment to principles of equality, respect for personhood, and the equal protection of the laws. A legal system which validates hate speech aimed at minority classes effectively robs these persons of their speech, personhood and protection from harassment and is patently not egalitarian. The United States is one of the only democratic societies in the Western world that tolerates and, in fact, facilitates this process.

Perhaps the fundamental problem in the United States is that, at a deeply imbedded subliminal level the objective perspective of Americans is that minority groups are inferior and the words of the Ku Klux Klan are correct so they can be taunted, jeered, crosses can be burnt in their front yards because they are sub-human and these actions should not affect them. If this is true, perhaps instead of viewing the group which rally for protection from hate speech as pandering to the "tyranny of the majority" over minority views, the very discrimination meted out to minority groups by the legal system which fails to protect against the onslaught of nastiness leveled against them is the "tyranny of the majority."

This would explain why when minority groups articulate the fact that hate speech discriminates against them and makes them feel small and should, therefore, be proscribed, the dominant ideological group brings up incidents of reverse discrimination. They see the perspective of groups claiming hate speech to be rife with inequity and negative effects for the groups labeled to be a personal attack on themselves. If they

could approach the discussion from a more rational standpoint they would see that advocating for equal treatment for minority groups does not mean that the advocates believe that the same courtesies should not be visited on other groups in society or that when minorities make racist commentary against the majority, they too, should be punished.

The arguments which have been advanced in defense of freedom of hate speech are flawed and pander to a value system institutionalized in the United States which is based on a double standard.

First, there are several exceptions to the application of the First Amendment ranging from defamation to privacy to obscenity and "fighting words." If we examine each of these exceptions we will recognize in each case that there are groups in society who believe that there is some value in this type of speech, and its restriction intrudes on their first amendment rights. It could as easily be argued that suppressing obscenity and "fighting words" is "tyranny of the majority" over a minority viewpoint which embraces this type of speech. Yet the legislature and courts have outlawed this speech and found it utterly without redeeming value. Why can't they also proscribe hate speech for the same reason?

Why is it that the value of protecting the humanity and personhood of millions of Americans is not considered important enough to justify another exception category to free speech?

Perhaps it is because the objective viewpoint in American society is that boys who burn crosses in a black man's yards are just playing school boy pranks, never mind

the fear it instills in the heart of this black man cognizant of the historical association between cross burning, lynching, arson and all forms of dehumanization.[272]

The truth is that there is no society that protects speech absolutely, not even the United States. The decision about what speech can be proscribed consistently with the recognition of the right to free speech is always a reflection of the value system of the majority dominant ideology in any society. To the extent that the American legal system has failed to recognize the necessity to protect minority groups from hate speech, it reflects its insensitivity to the psychological, emotional effect that hate speech has on the groups it labels. This is consistent with what Matsuda refers to as the institutionalized racism in the American political structure.

The argument that unless you allow the Klan to "express themselves" by burning crosses or marching on the streets shouting racial epithets, they will be "forced" to find more violent means of expression is ridiculous. It is tantamount to giving a thief who comes to rob your home your money in order to prevent him from taking your jewels. In both cases you have surrendered to terrorism. If Americans allow themselves to be held to ransom by hate mongers in order to appease them from committing violence against minority groups then the situation here is no better than that in a terrorist state. Apart from this, in any civilized country the remedy for violence is criminal prosecution and punishment. If hate mongers behave violently to other groups they must be punished under the criminal laws of the country.

The marketplace of ideas is a theoretical fiction intended as a means of arriving at the truth. Out of this theory emerges a hierarchical construct of the amount of protection given to different categories of speech. Full protection is given to political speech in the

[272] *See* facts in *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992).

United States. Other forms of speech are subject to restrictions. The question of the superiority of one race over the other is not a political issue. It could be argued that it is scientific. Not being political speech the question is whether this speech is so important that it needs First Amendment protection on the same level as political speech?

Even if, as ridiculous as the concept is, minority groups were found scientifically to be less intelligent than white people, does this justify terrorizing them, burning crosses in their front yards and treating them as sub-human? What is the value to society of this type of speech? How does it benefit society to make people free to burn crosses and call other people nasty epithets? If there is no benefit to it, why cannot it be proscribed?

Running Head: MESSAGE STRATEGIES AND AFRICAN AMERICAN WOMEN

A Matter of Life and Death: Effects of Emotional Message Strategies on Black Women's Attitudes about Preventative Breast Cancer Screenings

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Abstract For:

A Matter of Life and Death: Effects of Emotional Message Strategies on Black Women's Attitudes about Preventative Breast Cancer Screenings

A 2 X 2 experimental study was conducted to investigate the effect of message strategies on attitudes toward breast cancer prevention. The researcher used a sample of African American women (n = 59) and two dependent variables: willingness to have a mammogram and perceived importance of breast cancer screening. Results indicated that message appeals utilizing testimonials taken from real breast cancer survivors are most effective in increasing willingness to have mammograms and perceived importance of regular screening.

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Effects of Emotional Message Strategies on Black Women's Attitudes about Preventative Breast Cancer Screenings

Although the incidence rate of breast cancer is lower for Black women than it is for Caucasian women, research shows that African American women, as a whole, have a higher mortality rate and a lower 5-year survival rate when compared to Caucasian woman (Cancer Statistics for African Americans, 1996; ElTamer, Homel, & Wait, 1999; Komen Breast Cancer Foundation, 1999; Lipkus, Iden, Terrenoire, & Feaganes, 1999; National Cancer Institute, 1996). Experts attribute just over half of the difference in survival rates to late detection, resulting in tumors that are more aggressive and less responsive to treatment (Lipkus et al 1999). "Black women often do [not] get treatment early enough," according to DeWyze (1998). The overall intention of the present research is to ascertain if specific health communication message strategies can be used to educate black women about breast cancer prevention and ultimately decelerate the steady rise in late detection and survival rates among African American women.

Howard, Penchansky, & Brown, 1998 believe that one explanation for late detection and higher mortality rates among black women, when compared to white women, rests in the idea that black women, as a group, tend to miss, and perhaps, purposely avoid, scheduled doctor's appointments, for some unexplained reason. A missed appointment, the researchers found, literally quadruples the risk of late detection and death in African American women (Howard, Penchansky, and Brown, 1998). What research has yet to explain, however, is why black women tend to miss and avoid these important life-altering health screenings.

Data obtained from the National Cancer Institute (1996) suggest that one reason for the lack of involvement and concern with early detection and screening lies in Black women's attitudes and beliefs about causes of cancer. Frisby (2002) surveyed 92 African-American females ranging in age

from 20 to 77 on their personal beliefs and perceptions about breast cancer. Data revealed that when asked to list thoughts and feelings about breast cancer, the participants in the study frequently relayed feelings of fear along with several misinterpretations about the causes of the disease as well as misperceptions concerning the types of physical impairments that result from breast cancer. The researcher concluded that messages aimed at African American women about breast cancer should focus on misperceptions about the disease, enhance information about the risks associated with breast cancer, and highlight the benefits of early detection (Frisby, 2002).

Advertising could play an important role in increasing awareness about risks associated with breast cancer. It is theorized that advertising, if properly executed, can be used to inform African-American women about the positive effects of preventative breast cancer screenings. If the goal of breast cancer health communication campaigns is to increase early detection among African American women, then efforts by the medical industry, mass media, and others should focus attention on creating powerful campaigns that persuade and motivate African American women to seek medical assistance earlier.

Study Objectives

Because consumers encounter a plethora of advertising messages, especially health communication messages from many sources, it is not surprising that some messages are disregarded or even avoided. It is argued that health communication practitioners should pay attention to how ad messages are presented to African American women. This study hopes to determine if certain message strategies can be used to increase African American women's concern and interest in early detection of breast cancer. Specifically, the research used in this study seeks to determine if attitudes toward early detection can be changed by using specific and well-crafted message strategies. The study tests the notion that emotional appeals, like the

inclusion of real-life testimonials from breast cancer survivors, could actually entice African American women to seek or at least think about their breast health.

How will women of color respond to highly emotional appeals concerning breast cancer screening and prevention? To answer this question, four advertisements were created and designed to test the effects of two different types of emotional message appeals on African American women's willingness to seek early detection of breast cancer. Using an experimental design, the study extends earlier research on this topic (see Frisby, 2002) by providing evidence that shows how attitudes toward breast cancer prevention can be impacted by the appeal used in a persuasive message. Results obtained in this study are extremely important to and useful for professionals in both the health communication and advertising industry with specific interest in planning health campaigns for underserved populations.

Background/Literature Review

Although the ultimate goal of most health campaigns is behavioral change, some health campaign messages should also focus on changing attitudes (Maibach & Cotton, 1995; Wallack, 1989). According to Wallack (1989), most health campaigns do little in their communications to address those variables that encourage maintenance of unhealthy behaviors such as avoidance of mammography or early breast cancer detection. Data obtained in this study will allow health care practitioners to determine if certain message strategies (namely positive heuristic message appeals) can actually command African American women to engage in longer, more involved cognitive elaboration of messages about breast cancer.

In trying to reach a broad target audience with messages about unhealthful practices, health campaigns have traditionally relied on two strategies: fear appeals and straightforward presentations of fact. For example, a recent content analysis of public service announcements

(PSAs) for AIDS found that approximately one fourth of the PSAs used fear appeals to persuade individuals to change risky behaviors, and half of the PSAs utilized straightforward presentation of facts or information-only message strategies (Freimuth, Hammond, Edgar & Monhan, 1990). This study explores the potential of using other types of messages appeals to reach audiences. By using a theoretical framework that shows how ads that arouse positive affect result in greater intent to comply with the message, this study allows message designers to better appreciate the effects that positive messages can have with respect to substantially influencing cognitive processing and elaboration.

A message appeal can be either positive or negative. A positive message appeal emphasizes benefits to consumers resulting from the purchase or use of a product, or, accepting the message or advice provided in the message. A negative message appeal accentuates negative or severe consequences if consumer chooses another product or brand, or, does not accept the advice provided in the ad. Although research suggests that positive appeals result in more desirable responses than negative ones (e.g., Gaeth, Levin, Cours, & Combs, 1990), empirical evidence also indicates that these effects may vary, depending upon the condition or circumstances.

Psychological responses such as fear, fatalism, and cancer anxieties have been identified as personal factors that inhibit Blacks from attending to messages as well as participating in cancer health promotion behaviors (Cardwell & Collier, 1981; Long, 1993). Other research in the area of breast cancer specifically identifies anxieties about cancer coupled with lack of knowledge about breast cancer and breast cancer screening can be major barriers to screening and regular mammography (Daniegelis, Roberson, Woden, Flynn, Dorwaldt, Ashley, Skelly, Mickey, 1995; Frisby, 1992; Long, 1993; Phillips & Wilbur, 1995). This research suggests that anxieties and fears

about breast cancer may have a significant impact on the African American woman's screening behavior.

Burnett, Steakley and Tefft (1995) found support for the idea that attitudes about health care and prevention may significantly impact attitudes toward mammography. In their study on barriers to cancer screening, Burnett et al. (1995) discovered that one barrier to use of cancer screening by Black women centers around personal attitudes about screening. When women were asked about their reasons for selecting non-surgical methods of cancer treatment, they gave the following excuses: "If they remove my breast, I'll feel less feminine. If I was meant to have only one breast, I would have been born that way." These statements (and others like them) have been expressed by other Black women in earlier studies in an attempt to justify poor cancer screening behaviors (e.g. Frisby, 2002).

Research Question

Price, Desmond, Slenker, Smith, & Stewart (1992) sought to examine differences in perceptions of breast cancer and mammography between Black women who wanted a mammogram from those who did not. The researchers discovered that knowledge of breast cancer and its risks was poor among women who did not want or desire mammography. This finding led to the formulation of the research question guiding the present investigation: How can health communicators capture a Black woman's attention and cognitively involve them in processing and remembering the information presented in an ad about breast cancer prevention?

In the Frisby study (2002), data obtained revealed on important finding: black women in the study could not clearly articulate an understanding of the risks associated with breast cancer. And, in addition, black women in the study were unable to demonstrate their understanding of how breast cancer is treated. While the women in the Frisby study were unable to articulate an

understanding of the disease, they were, however, able to explicitly express their strong need and desire for information that would help provide a better understanding about the causes of and risk factors associated with breast cancer. For instance, data show that through the use of unaided, open-ended questions, seventy-three women (79%) expressed a sincere desire to learn about breast cancer, with an intense need to learn from other African American women who have been diagnosed, and perhaps, survived the disease. Based upon the results of this study, the present research tests the effects of using a message strategy that incorporates breast cancer survivors to determine if this appeal may be used to communicate the idea that early detection leads to and results in a chance to lead a healthy, productive life.

Independent Variables

Types of Appeals

This research examines the effects of two forms of message strategies, emotional benefit appeals and positive heuristic affect appeals (better known as "feel-good" ads on the attitudes black women have toward breast cancer. These two strategies, according to research, are commonly used in health campaigns (Monahan, 1995).

The major distinction between these two forms of messages is that emotional benefit appeals incorporate both affective and rational elements whereas positive benefit appeals rely primarily on affect or positive feelings. Positive heuristic affect appeals are supposed to work through affective (feeling) association only. This type of message strategy, research shows, has a more indirect approach and should be used when target audience members do not have the time, skill, or motivation to evaluate the message (Pechman & Stewart, 1989). Positive heuristic affect appeals are good attention getting devices because, according to research, the use of positive

emotions catches the audience's eye and convinces individuals to watch something they might otherwise avoid (Monahan 1995).

Positive heuristic appeals are typically targeted at individuals who are not motivated to evaluate the message. This strategy, according to Monahan (1995), evokes an affective response that can be quite useful in a health campaign. Research has shown that positive affective messages are better remembered than non affective messages. However, what is not known is how these positive affective messages affect attitudes of individuals with little knowledge about the product, in this case, breast cancer.

Positive heuristic appeals attempt to associate "good" feelings obtained from the message to the advertised brand or service. The major idea behind this strategy: reader feels good about the message, then likes the ad, and consequently accepts the message contained in the ad. From a health campaign perspective, the explicit assumption behind this approach is that the positive feelings brought about by the ad will cause consumers to associate the positive feelings they have with the brand or idea, leading to a higher probability of compliance (i.e., purchase intent), in this case early detection or intention to have a mammogram.

According to Monahan (1995), heuristic appeals attempt to make a message recipient feel good by using music, endorsers, or artwork to create a favorable attitude or mood. The strength of these appeals is that they are particularly affective in capturing attention and affecting motivation to process the message. Heuristic appeals involve things such as credible and attractive spokespersons, beautiful artwork, or popular music. The strength of this appeal is that it is extremely effective in capturing the audience's attention (Monahan, 1995). This appeal does not result in enhanced recall for the content of the message and often results in short-lived, fleeting

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attitude changes. Little to no work has been reported that examines the effects of heuristic appeals on compliance behaviors.

Emotional benefit appeals

According to Monahan (1995), emotional benefit appeals include both affective (feelings) and rational (logical, cognitive) components. Appeals that incorporate both feeling and logical components have been identified in the literature as fear appeals and slice-of-life message appeals (Monahan, 1995). For instance, an anti-smoking ad relying on feeling and logical components highlights the risks associated with the behavior (i.e., use of fear and threat), but balances this feeling with information that encourages self-efficacy along with an explicit conclusion (i.e., explains and addresses barriers, and gives evidence of effectiveness).

Fear is a powerful emotion and may be used to get consumers to take some very important action. The goal behind messages that use fear or threat is to highlight the risk of harm or other negative consequences. Health promotion message use fear appeals to stress harmful social consequences for failing to comply with message recommendations. Research shows, however, that fear appeals must be used strategically and thoughtfully, if they are to work at all (Hale & Dillard, 1995; Monahan, 1995). While fear appeals have been traditionally used in public communication campaigns, the effect of fear as a message tactic has generated much controversy (Backer, Rogers, and Sopory, 1992; Hale & Dillard, 1995).

Fear appeals attempt to create an emotional response of fear or anxiety. Research has found that if the message is too threatening, defense mechanisms increase and consumers ultimately engage in several avoidance behaviors (i.e., switch channels, look away and/or turn down the volume, turn the page, or attack the credibility or relevance of the situation posed in the ad). However, if the copy is too gentle, the message can be easily dismissed by the audience.

Research indicates that intense fear appeals actually result in negative attitude toward the brand and may encourage selective attention and exposure to certain fear-inducing messages. Some messages may focus consumers on their fear and not on the message or thoughts about how to overcome the fear. Using fear messages without offering a way out seems more likely to fail than does inducing moderate levels of fear.

Slice-of-life ads, the second type of emotional benefit appeal, rely primarily on attractive, credible endorsers along with dominate visuals depicting realistic social settings. A brand or idea is put into a social setting so that receivers of the message are then encouraged to transfer meaning from the social setting to the product or idea. In a health communication campaign, this message appeal involves emphasizing people getting over a specific illness. With this message strategy, persuasion occurs through source credibility.

Evaluation of slice-of-life ads show that, generally, recipients engage in less counterarguments resulting in relatively permanent changes in attitudes, without requiring the receiver to engage in effortful systematic processing. "Emotional benefit appeals can be persuasive, regardless of the type of cognitive processing they evoke" (Monahan, 1995, p. 86).

Since prior research indicates that the rational appeal is acceptable to the audience, (see Frisby 2002), the use of positive affect may do little to enhance the likelihood of persuasion (Monahan, 1995). Formative research shows that African American women are confused and unsure about breast cancer, its risks, and prevention. And, since feelings of fear may encourage black women to avoid the message designed to reduce their likelihood, it is theorized that in order to promote a more positive view of issues related to breast cancer prevention, campaigns should reinforce positive themes (i.e., credible, attractive survivors), describe risks factors that individuals can control, and recommend positive steps or actions to take to prevent the cancer. Although it is

not known whether this strategy changes negative affect or fears associated with cancer, the present research hopes to determine if this strategy might be used to enhance attitudes toward prevention (I can prevent my likelihood of getting cancer) and ultimately enhance attitudes toward early prevention.

Motivation to process the message

With respect to health care, health communication practitioners aim to create and produce messages that not only involve their audience, but result in more attention to the ads and ultimately compliance with the goals of the campaign. Research shows, however, that when consumers are not involved with the issue/topic, and motivation is low, peripheral cues such as source characteristics and executional variables become significant determinants of how consumers react to the message strategy (Petty, Cacioppo, and Schumann, 1983). It is possible that, under conditions of low-involvement, messages that attract attention through the use of peripheral cues and rational information may encourage the less involved individual to process both the affective and rational components of the message, and ultimately result in longer depth processing, longer elaboration of the message, and positive attitude change.

It is theorized that emotional benefit appeals will significantly affect African American women. According to Petty, Schumann, Richman & Strathman (1993), when an issued is viewed by the intended audience as negative, such as the case with breast cancer and black women's perceptions of breast cancer, heuristic appeals do not show any effects on audience attitudes. Positive feelings are generally found to influence the ratings of neutral or ambiguous material rather than to influence the ratings of more clearly negatively valenced materials (Monahan, 1995). Thus, the less involved individual may feel positive toward the message but may have no long-lasting thoughts or intentions (Petty et al, 1993).

Hypotheses

In summary, positive affect found in emotional benefit appeals and heuristic appeals both can facilitate responses, however, from a purely effects oriented perspective, research suggests that the emotional benefit appeal illustrating emotional (positive feel good components) and practical (explanations, along with evidence) benefits are more likely to provoke cognitive elaboration and stable attitude changes. This message strategy, according to Monahan (1995) could result in increased compliance with the message of a campaign. Table 1 summarizes the relative effectiveness of the two message strategies under investigation in this study.

Insert Table 1 here

The foregoing discussion leads to the formulation of three hypotheses:

H1: Emotional benefit appeals result in significantly more positive attitudes about the importance of breast cancer prevention than positive heuristic appeals.

H2: Emotional benefit appeals result in significantly more positive responses regarding intention or willingness to seek early detection than positive heuristic appeals.

H3: Under conditions of low-involvement, emotional benefit message appeals result in significantly more positive responses regarding willingness to seek early detection than positive heuristic appeals.

Method and Procedures

To test the proposed hypotheses, a 2 (message strategy: emotional benefit vs. positive heuristic appeal) x 2 (involvement: high vs. low) factorial experimental design was used. Ad manipulations were between subjects (participants saw either two emotional benefit ads or two positive heuristic benefit ads). Involvement with breast cancer prevention was also treated as a between subjects factor.

Participants

Fifty-nine African American women from a mid-western community were asked to participate in a study on perceptions of advertising messages. Women responded to an electronic mail message seeking participants for a study of "perceptions and attitudes about health care." They were offered dinner and coupons in exchange for 1 hour of their time. The study was limited to Black women because of the nature of the problem (i.e., lack of utilization of breast cancer screening techniques).

Procedure

Six groups ranging from 7 to 10 African American women were used. Each participant was randomly assigned to one of two experimental conditions (i.e., emotional benefit appeals or positive heuristic appeals). At the onset, participants were told that they needed to provide some information so that we could assess initial attitudes toward various health care issues and obtain demographic data. Participants were then verbally informed that they were being asked to assist in a study on media used to communicate information about health and health care and were told that they would be reviewing a rough copy of a new magazine that was being published specifically for black women. This magazine, they were told, would address health care concerns and other issues as they related to African American women.

Participants were then presented with the dependent measures, in the following order: attitude toward health care issues, involvement with breast cancer, and willingness to seek early detection of breast cancer. The survey also contained other items that were used as filler items.

After reviewing the ads, they were asked to provide feedback regarding their impressions of the ad, perception of breast cancer, and intention to seek early detection. Lastly, women were asked to complete the involvement scale and along with questions used to check the validity of the manipulations and cover story. Finally, participants were probed for suspicion, debriefed about the research and its objectives, and then dismissed.

Experimental Manipulation

Participants were told that the researcher was asked to conduct message evaluation research in order to assess how members of the target market felt about the magazine, the advertisements, the messages in the ad, and the issues being discussed. Women were asked to carefully read the ad copy and respond to the questions that followed.

Four four-color full-page ads for breast cancer were created for the research so that the experiment would mimic a "real-world" advertising research copy testing research project. Participants were instructed to consider the ads as if they appeared in a magazine. They were also instructed to record their attitudes and thoughts about each ad using the spaces and scales provided.

Copy used in the ads was created from advertisements currently used to promote and communicate awareness about breast cancer. In order to obtain realistic images of African American women we sought images of Black women in magazines like *Ebony* and *Jet*.

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Experimental Condition

Message Strategy

Positive Heuristic Appeal: For purposes of this study, the positive heuristic appeal condition involves using positive imagery to make the recipient "feel good" about the ad. For this condition, the imagery focused on a mother-child bond and included the headline "Because he calls Me Mommie." Copy in this ad focused on the imagery and relationship between mother and child.

The headline was prominently placed at the top of the page. The body copy was placed in the lower right quadrant of the page and read as follows:

"I am living every day to the fullest. I have two children ages 13 years and 13 months, and I enjoy watching them grow. That's why I decided to have a breast exam. I was scared, but when I looked at my baby sleeping, I knew I had to do it. So I made the appointment to have my breasts examined. I did it for him. Not for me. For more information on Breast Cancer call the National Cancer Information Center at 1-800-ACS-2345."

The other ad contained an image an older African American woman and man embraced in a loving hug. The ad's headline and body copy read:

Headline: "He Loves Me for Me!"

"I never had a mammogram and my husband encouraged me to have one. Even though I discovered a lump in my right breast and underwent treatment, my husband stood right by me the entire time. Through my fight I have realized how much - and by how many people - I am loved. For more information call the National Cancer Information Center at 1-800-ACS-2345.

As stated previously, positive appeals rely primarily on affect or positive feelings and work only through affective feeling. The copy in this ad does not provide "reasons why" or other logical arguments, but simply relies on the affective feelings that can be generated when someone thinks about the bond between mother and child.

Emotional Benefit Appeals: The image used in the ad involved an "average" person endorser (not a celebrity or expert). The philosophy behind this approach is that African American women might be able to relate to the woman in the ad and perceive the endorsement/testimonial to come from someone they consider similar to themselves, rather than on experts (i.e. Caucasian doctors, nurses, etc).

The headline of the first testimonial ad read, "I Survived and You Can Too!" A large color photo of an African American woman was placed in the center of the advertisement. The headline was prominently placed at the top of the image. To encourage further reading of the ad, the body copy was conspicuously placed in the right quadrant of the picture. The body copy for this particular ad's message strategy read:

"Did you know that the breast cancer mortality rate for African American women is higher than for White women and Latinos? And, that in any one year, 31 out of every 100,000 African American women die of breast cancer? Did you also know that you can find life and hope beyond the diagnosis of breast cancer? I am a living testament of that. The majority of women diagnosed with breast cancer are living long productive lives, and you can too. I am a breast cancer survivor. I survived because I took time to understand the risks and causes of breast cancer, and then took matters into my own hands. Here's what you should know about the causes and risk factors of breast cancer: First, besides being female, age is the single most important risk factor for the development of breast cancer; 2) History of breast cancer in a first-degree relative (mother, sister,

or daughter) is associated with the largest increase; 3) Heredity. Approximately 5-10 percent of breast cancers are believed to be inherited; 4) Hormonal factors. If you started menstruating at an early age, you might be at risk of breast cancer; 5) Recent use of oral contraceptives may slightly increase the risk of breast cancer. The biggest unmet need for African American women is early recognition of the disease. Researchers have shown that African American women who have regular mammograms have the same excellent chances of surviving breast cancer as all other groups of women. There are people who want to help you. They are also ready to answer your questions in our National Cancer Information Center at 1-800-ACS-2345. Call today. Make an appointment. Get your mammogram. I did and because I did, I am a survivor and you are too"

The headline and copy of the second emotional benefit appeal read:

Headline: "You Can Beat the Odds and Win the Race"

Body Copy: "I want to let you know there is another survivor out here. This is my story. On a whim I got a mammogram at the age of 18. There was no history of cancer in the family, so I was not concerned, until I heard "we found something." Yes, I had fears that it might be cancer. I have two children ages 13 years and 13 months, and I enjoy watching them grow. I was scared, but when I looked at my baby sleeping, I knew I had to do it. This was approximately eight years ago, and guess what, no recurrences. I am doing these ads because I know that it takes one who has gone through this to understand what the fear and loneliness is like. Yes, it's scary, but not knowing should be just as scary too. Black women are dying from breast cancer and you just might be next. Life is too short to waste. It is too short to feel afraid or feel sorry for yourself. Don't make excuses. What's stopping you? Think about your children. I did and because of that, I am the product of what an early diagnosis can do for you. You can survive the fears of mammography and a breast cancer diagnosis. I did and you can too. Hey, there are people who can help you get started with the information and resources you need. Call you doctor for an appointment

today. Why wait? For more information on breast cancer prevention, call the National Cancer Information Center 1-800-ACS-2345 today"

Recall that an emotional benefit appeal relies heavily on feeling and logic. The copy used in these two ads not only focused on the risks associated with noncompliance to breast cancer screening (late detection, death, or finding a lump), but balance the fear and emotion with information that encourages self-efficacy (you can do it, just like I did) along with an explicit conclusion (i.e., survival, life, and/or no recurrences).

Independent Measure

Involvement. Consistent with the conceptualization of message involvement, involvement in this study was assessed with a four-item, 7-point scale adapted from Andrews & Durvasula (1991). Women in this study were asked to indicate the degree to which they "paid attention to," "concentrated on," "put thought into evaluating," breast cancer and early detection, as well as whether messages about breast cancer were "relevant to their needs." Responses to the items were summed to form an involvement index.

Dependent Variable Measures

Pre and Post-Test: Respondents' attitude toward the ad was measured by using the following stem statement: "As an advertising strategy, the message contained in the ad is:" ineffective/effective, unconvincing/credible, unbelievable/believable, useless/useful, unrealistic/realistic, likeable/unlikable, good/bad, and unpersuasive/persuasive. Responses were summed and averaged to form an overall A_{ad} index (α=.98), ranging from 1 = low, 6 = high)

Respondents were also asked about their motivation to seek early detection and breast cancer screening. Using a 7-point semantic differential scale, respondents evaluated each ad using the following stem sentence: "Concerning the message contained in the ad, how likely is it

that you might seek early detection for breast cancer in the next week?" Unlikely/likely, improbable/probable, and impossible/possible were used to measure the impact of message strategy on willingness and intention to seek early detection. Items were summed and then averaged in order to analyze the data (1 = low willingness, 7 = high willingness).

To judge the success of the manipulations, a number of manipulation check items were included in the question. Participants were asked (a) "How personally relevant do you find the issue of breast cancer exams?" (not at all to very much); (b) "How involving did you find the messages about breast cancer?" (not very to very much); (c) "How much did you think the message concerns you?" (not at all to very much); and (d) how much effort did you put into reading and evaluating the message?" (not much to very much). These ratings were combined and summed (with the exception of the effort rating) into a composite measure of involvement (α = .74).

Manipulation Checks

For message strategy manipulation, participants were asked (a) "Overall, what was the quality of the message?" (poor to excellent, (b) How convincing did you find the arguments in the message? (c) How factual would you say the message was?"; (d) how emotional would you say the message was?"; (e) how carefully was the message thought out?. These ratings were used to assess the level of emotion and information provided in each message strategy.

Results

Participants

Of the total, 40 participants were classified as having low involvement by a mean split on the distribution of involvement scores (scores ranged from 10 to 18, M = 12.2). The remaining 19 participants were categorized as high involvement participants (scores ranged from 20 to 26, M = 21.6).

Principal Analyses

Since the 2 X 2 design had multiple dependent variables measuring different facets of the overall communication effectiveness of message strategies, multivariate analysis of variance (MANOVA) was used with individual t-tests and ANOVA follow-ups to test the remaining hypotheses. Initial analyses were conducted on the effects of the experimental manipulation on each of the dependent measures listed in Table 1. To help control for Type 1 error, however, a MANOVA was used in order to determine whether there was an overall effect of the manipulation on the dependent measures.

A composite score was derived and used for analysis for each of the measures listed in the manipulation check. As expected, results of this MANOVA indicated that participants found positive heuristic ads to be highly emotional, but a lacking information and rated the emotional benefit appeal ads to be highly emotional and informative. Results show a significant effect of the experimental manipulation, F (1, 51) = 2.34, $p < .01$.

Compared with low-involvement participants, high-involvement participants rated themselves are more involved (Ms = 5.03 and 5.91, respectively), F (1, 57) = 13.90, $p < .001$.

Hypothesis Tests

H1: Emotional benefit appeals result in significantly more positive attitudes about the importance of breast cancer prevention than positive heuristic appeals *(Supported).*

Hypothesis 1 focuses on the role that message strategy plays on attitudes toward breast cancer prevention. To test this hypothesis, a one-way analysis of variance was conducted with message strategy as a between subjects factor and attitude toward breast cancer as the dependent variable. Analysis of the means in Table 2 indicate significant differences in the hypothesized direction for emotional benefit appeals (M=6.6 vs. M = 4.9; $F_{(1, 57)}$ = 21.8, $p < .0001$), such that

positive heuristic appeal ads were less liked or credible than the emotional benefit appeal ads. Data further revealed differences in the hypothesized direction for willingness to seek early detection (M= 5.8 vs. M=4.1; $F_{(1, 57)} = 12.7$, $p < .001$). As shown in Table 2, for the positive heuristic appeals, results indicated that participants rat ed this message strategy as less liked than emotional benefit appeals.

In general, responses to emotional benefit appeals were more favorable when copy includes appeals to emotion and provides strong arguments or presents facts/information. Participants viewing the appeals to emotion only expressed less favorable attitudes toward the ad and lower interest in seeking early detection than those participants exposed to the ads that contained both appeals to emotion and logic.

Insert Table 2 About Here

H2: Emotional benefit appeals result in significantly more positive responses regarding intention or willingness to seek early detection than positive heuristic appeals *(Supported).*

Insert Table 3 About Here

H2 posits an effect of message strategies on motivations to seek early detection. After exposure to the ads, participants exposed to messages of survival and hope expressed greater interest in seeking early detection for breast cancer than did those participants exposed to ads that focused solely on positive affect ($F_{1, 53} = 28.37$, $p < .001$). As anticipated, compared to highly

involved women, uninvolved and unmotivated women were much more motivated to seek early detection after they were exposed to ads containing information and positive testimonials from real-life survivors. Table 3 summarizes the results of the analysis for level of involvement, message strategy, and behavioral intentions. Thus, data seem to support the idea that peripheral cues such as advertising executional variables and source characteristics do determine how consumers react to advertisements. Data indicate that attitudes toward breast cancer prevention are more influenced by executional cues, particularly when the ad is read by those who are less interested in breast cancer prevention. Thus, it seems that the endorser may play a major role in how they process information.

H3: Under conditions of low-involvement, emotional benefit message appeals result in significantly more positive responses regarding willingness to seek early detection than positive heuristic appeals. *(Supported)*

Consistent with earlier theorizing, emotional benefit appeals yielded more favorable attitudes toward the ad and the message than did positive heuristic appeals for both low- and high-involvement participants, $F(3, 51) = 18.70$, $p < .01$. T-tests further indicated that emotional benefit appeal ads, compared to positive heuristic appeals, resulted in more favorable attitudes toward the message when viewed by both high- and low-involvement women ($t = 1.85$, $p < .001$). Thus, data suggest that when the message strategy involves testimonials from real-life survivors, attitude toward the ad is enhanced significantly for low-involvement women than it is for high-involvement women (see Table 2 and Figure 1 for the depiction of the interaction).

Insert Figures 1 and 2 About Here

Practical Implications

The present study carries significant implications for advertisers, health communicators and practitioners, physicians, and mass communication researchers and theorists. Interested professionals might use advertising copy emphasizing the notion that early detection helps reduce the spread of the disease and could possibly extend one's life expectancy.

The major implication of this study might be summed up in one sentence: there are message strategies that can be used to reduce missed appointments, improve early detection rates and preclude the rising mortality rates. This research provides a starting point for those interested in reaching and improving health care for underserved populations. Thus, the research presented sought to determine how health care practitioners might use messages to attract and educate African American women about the causes of breast cancer and the benefits of regular breast cancer screenings.

Results of this study suggest that the type of message appeals used in communications about breast cancer does not necessarily have to be tailored for the audience. Findings reported suggest that while both feel good ads and emotional benefit message appeals can be used to communicate with African American women about the risks associated with breast cancer as well as the importance of early detection, ads containing information about the risks of breast cancer combined with testimonials taken from breast cancer survivors may have a positive impact on attitudes toward breast cancer prevention as well as overall interest in the disease.

With data obtained from this study, health communicators might be able to develop more effective public policy initiatives in the area of cancer prevention and health care. Findings in this study have established differences in how African American women evaluate advertising appeals for breast cancer and have demonstrated that different message strategies (such as using real-life African American breast cancer survivors in ads) need to be used in order to encourage early detection among an at-risk population, Black women. As such, this paper contributes to the overall understanding by demonstrating how Black women respond to strategies and advertising messages. This study allows advertising researchers and health communicators to go beyond basic advertising appeals for breast cancer (i.e., promotional efforts such as "Support Race for the Cure" or "Buy a pen and support breast cancer research") and create ads that will lead to ownership of the health concern and result in encouraging Black women to seek early detection.

In sum, the study found that: (1) advertising message strategies that include testimonials from real-life breast cancer survivors significantly affected participant's willingness to seek early detection for breast cancer; (2) after exposure to messages containing peripheral cues (i.e., testimonials by an real-life survivor); attitudes toward breast cancer were changed for women who were inexperienced and rather uninvolved (perhaps unknowledgeable) with the disease; and (3) ads incorporating emotion and logic were found to significantly enhance Black women's willingness to seek early detection.

The study has some limitations, however. It is possible that the measures used to assess involvement and interest in breast cancer prevention might have been viewed differently across respondents. Given the random assignment of treatments to participants, if wording of measures were interpreted differently, this should have increased the error variance and reduced the statistical power of the test. That was not the case in this study. Future research might want to

consider this measurement and assessment and replicate the study using different measures for involvement and behavioral intention.

Despite the above limitations, the findings demonstrate a preference for breast cancer advertising appeals that express and communicate hope and survival. Respondents clearly expressed greater interest in ads with positive messages. More importantly, data clearly suggest that for unmotivated consumers, advertisers and health practitioners should solicit the help of endorsers and survivors in order to encourage early prevention behaviors among African American women. While this study did not find a difference based on type of appeal and intention to engage in early detection, results did show a positive effect of certain advertising message strategies on the respondents' attitudes and feelings about breast cancer. Pre-testing along with the manipulation check indicated that the appeals used in the ads were clearly either favorable or evoking fear or highly arousing.

Alternative Explanations

Clearly endorsers have some influence on the African American female audience) and it appears to consist almost entirely of effects on peripheral cues (real-life survivor) rather than the more affective message strategies (i.e., reliance on "feel good" or other emotional associations). One possible explanation for this finding might be found in the social comparison literature.

Comparisons with others who are superior to or better off than one are called upward comparisons. Individuals engaging in upward comparison may learn from others, be inspired by their example, or become highly motivated to achieve a similar goal. It is possible that the endorsers used in the ads motivated Black women in this study to engage in a spontaneous social comparison with the endorser resulting in a desire and interest in the "advertised product," which for the purposes of this research is interest in early detection of breast cancer.

From an advertising perspective, it is possible that upward comparisons lead people to evaluate themselves more negatively, thus resulting in a perceived need for the advertised product (Wood & Taylor, 1991). Perhaps women in this study felt badly that they had not considered having a mammogram, and exposure to testimonials by women of similar ethnic backgrounds just might have resulted in a need for the early detection. Research in health communication should explore the effect that upward comparisons have on health behaviors and prevention.

Future Directions

Future research might simply replicate this study and determine how women of various ages and ethnic backgrounds respond to various appeals and message strategies. For instance, research could test and examine how adolescent women feel about breast cancer and conduct a series of experiments that focus on attitude inoculation and priming effects on motivation to engage in early detection for breast cancer. Researchers concerned about using advertising to communicate about health care issues to underserved and/or minority populations should, therefore, make it a priority to obtain more primary data in order to obtain a pool of data that provides practical insights into the impact of messages designed to change behaviors.

Research in the area of health communication and ethnic markets might also attempt to uncover the African American women's beliefs and values regarding health and illness. Data obtained help practitioners design better, more effective ads and promotional campaigns related to cancer prevention and control. Studies could then be used to develop more effective public policy initiatives in the area of cancer prevention and health care. Thus, communicators can begin to tell women with major fears and other misperceptions of and about breast cancer that they too can "beat the odds and live a healthier, productive life!"

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Table 1: Theoretical Predictions About the Effects of Message Strategies on Responses to Health Communication Message Campaigns.

Type of Message	Attention-getting	Depth of processing	Attitude change	Compliance
Positive heuristic appeals	+		Short-lived, fleeting	
Emotional benefit appeals	+	+	Stable, long-lasting	+

Table 2:

One-Way ANOVA Results for Message Strategy and Attitudes toward Early Prevention of Breast Cancer

Dependent variable	Message Strategy	Mean	F	p value
Attitude toward the ad	Positive heuristic	4.9	21.8	.0001
	Emotional benefit	6.6		
Willingness to seek early detection	Positive heuristic	4.1	12.7	.001
	Emotional benefit	5.8		

NOTE: All ratings were made on Likert scales (ranging from 1 = low to 7 = high), higher numbers indicate greater willingness. Figures in the same row and column that do not share the same subscript differ at $p < .0001$.
ANOVA d.f. = 1/58
*$p < .05$
** $p < .01$
*** $p < .001$

Table 3:

Multivariate Analysis for Level of Involvement, Attitude toward the ad, and Behavioral Intentions.

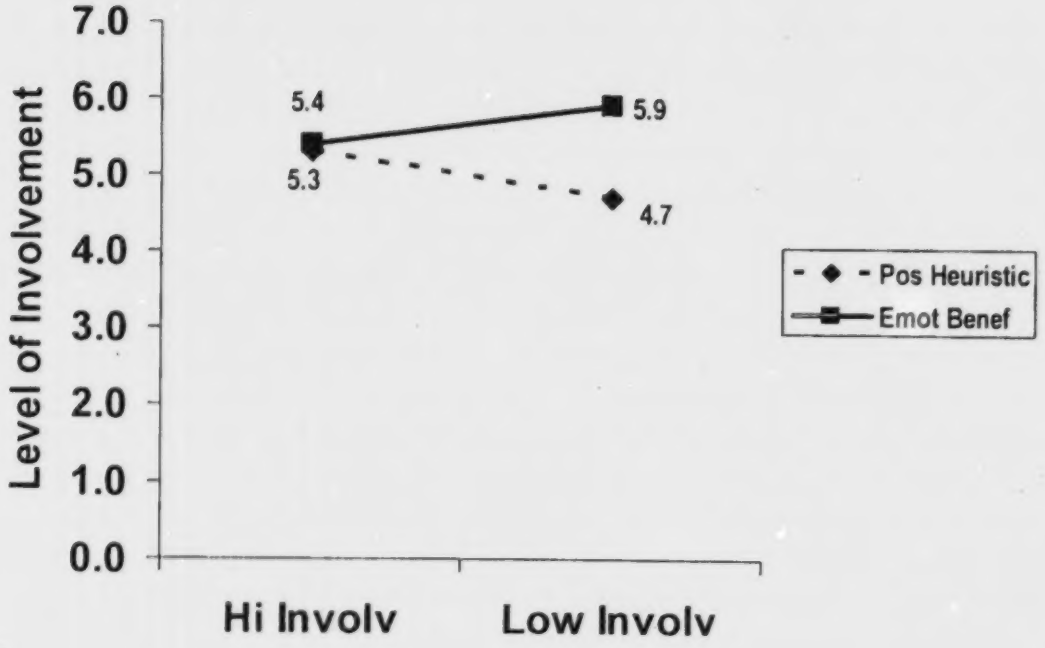
Dependent variable	Message Strategy	Level of involvement		F	P
		High (n = 19)	Low (n = 40)		
Attitude toward the ad	Positive heuristic appeal (n = 30)	5.3_a	4.7_b	15.2	<.001
	Emotional benefit appeal (n = 28)	5.4_a	5.9_c	12.0	<.001
Willingness to seek early detection	Positive heuristic appeal (n = 30)	4.1_a	4.9_b	11.6	<.001
	Emotional benefit appeal (n = 28)	5.0_c	5.6_d	14.4	<.001

NOTE: All ratings were made on Likert scales (ranging from 1 = low to 7 = high), higher numbers indicate greater willingness. Figures in the same row and column that do not share the same subscript differ at $p < .0001$.

Figure Captions

Figure 1. Influence of message strategy and involvement on attitude toward the ad

Figure 2: Interaction between message strategy, level of Involvement, and willingness to seek early detection of breast cancer. (n = 59, 1 = low willingness, 7= high willingness).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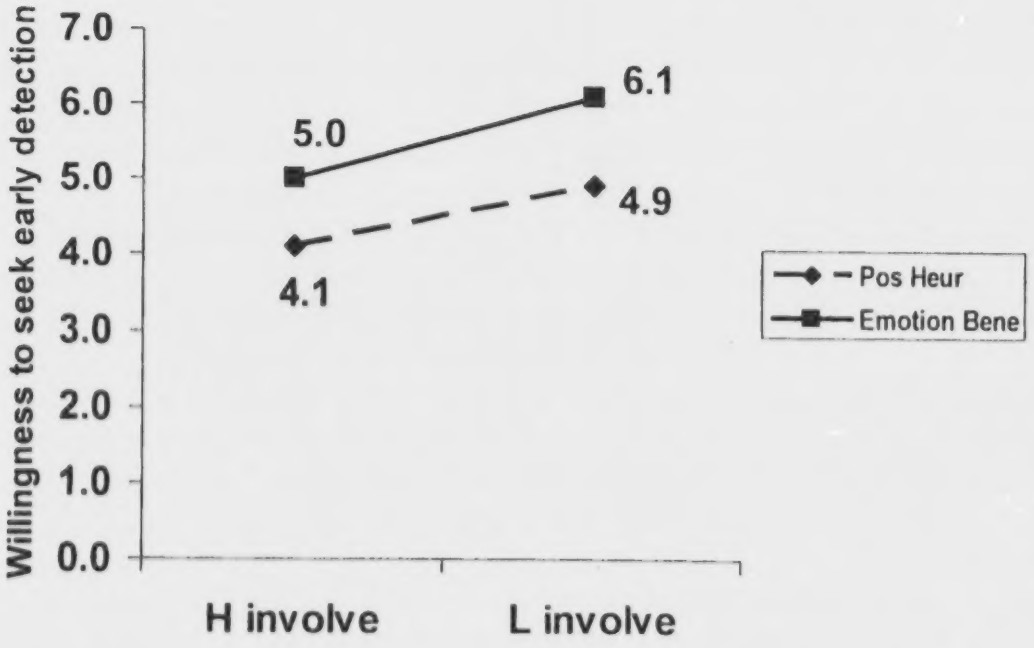
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Minorities and Communication Division

La Opinión Digital: The framing of Latino immigrants' issues from a Latino journalistic angle.

José Luis Benítez

Ohio University

Introduction

Latino Immigrants in the United States

There is a well-known metaphor of the United States as a 'nation of immigrants' symbolized in the Statue of Liberty (Mahler, 1995). Thus, a significant part of this nation is also constituted from the Latin American immigration, which moved upward with the Mexican migration process in the 19th century and early 20th century (Rodríguez, 1999). More recently, this flow of transnational migration has grown substantially since the 1970s, especially as a consequence of civil wars, economic crises, and political upheavals in several countries in Latin American and new U.S. immigration policies since 1965 (de la Garza, Pachon, Orozco, & Pantoja, 2000).

According to the 1990 U.S. Census, 6.8% of Latinos living in the United States arrived before 1960; 15 % arrived during the 1960s; 27% during the 1970s; and 50.7% immigrated in the 1980s. By the year 2000 there were according to the U.S. Census 35 million Hispanic or Latinos living in the United States, which represented 12.5 % of the U.S. population of 281 million.

These statistics have rapidly changed due to new waves of immigration and high birth rates among Latinos. Today, the Latino or Hispanic population in the United States is about 37 million, which implies that Latinos are nowadays the largest minority in the U.S. (New York Times, January 22, 2003). The national origins of these immigrants are predominantly from México, Puerto Rico, Cuba, El Salvador, Dominican Republic, Guatemala, and Honduras (Migration Information Source Data, 2003). Although the Latino population is spread across the United States, they are located predominantly in California, Florida, Illinois, New York, Texas, and Washington D.C.

Immigration and the media

In 1994, California experienced a wave of anti-immigrant attitudes through the proposition 187 supported by the Governor Pete Wilson. This initiative intended to take away the possibilities for undocumented immigrants to attend public schools and receive basic medical care (Marrero, 2001). In this context, Santa Ana (1999; 2002) analyzed how "The Los Angeles Times" framed this debate and how the news stories included metaphors about undocumented immigrants as "animals". Thus, the metaphors emphasize a public perception that dehumanizes immigrant workers and the consequent legitimation for the approval of this proposition 187 in California. As in this case, other studies about immigrants' framing highlight the political and cultural implications of such representations, especially through the news media (Van Dijk, 1987; Miller, 1994).

On the contrary, ethnic media –such as Latino or Spanish-language newspapers- are considered to be more concerned about issues and problems from the perspective of the immigrant communities (Rodríguez, 1999; Vargas & dePyssler, 1999; Subervi-Vélez, 1999). The existence of Latino newspapers in the United States has a long history of nearly 200 years (Vargas & dePyssler, 1999). Rodríguez (1999) points out that the first large Spanish-language newspaper in the U.S. was *El Heraldo de México* (1916-1920).

Nowadays, according to the National Association of Hispanic Publications (NAHP), there are approximately 1,200 Spanish-language newspapers, magazines, and newsletters in the United States. Although there are some bilingual English-Spanish publications, most Latino newspapers are published in Spanish. This phenomenon is intimately related with the fact that 43 % of the Latino population in the United States prefers Spanish or Spanish more than English for reading books, magazines, and

newspapers (La Opinión, 2003). Although the reading language preference is higher among older generations, 34% of Latinos between 18 and 24 years old also prefer Spanish (La Opinión, 2003).

Furthermore, major Spanish-language newspapers are now available in digital editions through the Internet. This is the case of the Latino newspapers: *La Raza* (Chicago), *La Opinión* (Los Angeles), *La Prensa* (New York), and *El Nuevo Herald* (Miami). Of these newspapers *La Opinión* is the largest Spanish-language newspaper in the United States with a weekday circulation of 118,080, and at the same time it is the second most read daily newspaper in Los Angeles area (Rodríguez, 1999; Fitzgerald, 2001). This print medium was founded on September 16, 1926, and it is jointly owned by the Lozano family –its founder- and the Tribune Company (Fitzgerald, 2000; La Opinión, 2003). According to information from this 76 year-old newspaper, they "cover the news from a Latino perspective" and with a combination of traditional, public service, and civic journalism (La Opinión, 2003). The area of coverage of this paper includes the Latino communities of Southern California, and with the launching of its digital version in 2000, *La Opinión Digital* intends "to become the premiere Hispanic news and information source" in the United States (La Opinión, 2003). In addition, they claim that this newspaper "has devoted increased attention in reporting on issues relevant to a wide variety of Hispanics" (La Opinión, 2003).

The study of Latino media in the United States, and specifically Latino newspapers, involves crucial considerations about the emergence, consolidation, and consequences of ethnic media in this country. Moreover, the concern on this phenomenon can enhance the understanding of international dynamics associated with processes of

transnational migration and the role of these ethnic media in the construction of immigrant communities (DeSipio & Henson, 1997; Delgado, 1998). Similarly, the analysis of these media can shed light on the social, cultural, and political configuration of framing public discourses and perceptions about Latino immigrants in the United States (Turner & Allen, 1997). In this respect, Van Dijk (1987) considers how the news productions of the media play a fundamental role in the construction and transformation of public discourse. From this perspective, several studies look precisely at the role of the media in framing immigrant groups in different nations such as Canada, the United States, Great Britain, France, Italy, and other countries in Europe (White & White, 1983; Van Dijk, 1987; King & Wood, 2001; Kaye, 2001; Hargreaves, 2001; Campani, 2001).

The relevance of analyzing how immigrants groups are represented through the media is intertwined with the cultural and political consequences of attitudes of prejudice, racism, and discrimination. On the other hand, as Miller (1994) argues, the media can "exacerbate or ease these worries. It all comes down to the quality of reporting on immigrant issues" (p. 21). Thus, the increasing process of transnational migration in the global capitalist societies represents a critical challenge for mainstream and ethnic media in framing the issues affecting the lives of these marginalized groups. The representations of these minorities through different mass media not only can affect the constitution of their collective identities, but also their possibilities for individual and community actions in the new social context in which they work and live (DeSipio & Henson, 1997; Rodríguez, 1999).

Purpose of the study

Van Dijk (1987) asserts that journalists' routines are articulated with dominant ideologies of class and ethnic groups in the process of news production. In this respect, the purpose of this study is to examine how the newspaper *La Opinión* in its online version *La Opinión Digital* frames the issues of Latino immigrants in the United States. This objective entails four main considerations. First, as Subervi-Vélez (1988) emphasizes, focusing on Spanish-language press is particularly justified "because these papers are published for a selected audience and their editorial policies and content can be relatively different to the majority of population press" (p. 679). Thus, it is important to evaluate how this newspaper frames the concerns of Latino immigrants, and whether this approach is different from other U.S. media.

Second, there is a critical controversy about whether the Latino journalistic angle is 'objective' or somehow relies on 'advocacy' for Latino communities (Rodríguez, 1999). Consequently, it is important to explore to what extent this tension is reflected on *La Opinión Digital.* Third, different studies propose that the media in the U.S. construct a narrative of 'panethnic' identity among Latinos instead of national or ethnic group identities (DeSipio & Henson, 1997; Vargas, 1999; Rodríguez, 1999). Therefore, it is crucial to investigate how the news stories of this newspaper use specific expressions of Latino identities. Fourth, this study aims to examine whether the organizational goal of *La Opinión Digital* of becoming "the premier online offering for Spanish speaking communities throughout the United States" (La Opinión, 2003) is reflected in the news and editorial coverage of the Latin American countries with the largest immigrant populations in the United States.

Related Studies

Framing and organizational influences on content

The theoretical framework of framing proposes the consideration of different levels of analysis in the process of news production and interpretation by audiences. Griffin (1997) suggests that news is presented "in the form of a story, and as such requires a frame or theme. Reporters provide that frame through context, mood, and selectivity" (p. 384). Similarly, D'Angelo (2002) points out that it is critical to identify "journalistic intentions, news values, discursive structures, and content format that integrate the words and images of a news story into a frame" (p. 881). Thus, as Scheufele (2000) synthesizes, media frame is a "central organizing idea or story line that provides meaning to an unfolding strip of events and serve as working routines for journalists" (p. 306).

Shoemaker and Reese (1996) observe that at the individual level, specific characteristics such as values and ethics, race, gender, ethnicity, political and religious beliefs, and personal worldview influence the journalistic process of news gathering and reporting routines. On the other hand, other authors argue that these journalistic routines reflect the perspective and interests of political and economic elites in the process of framing certain issues and excluding others (Van Dijk, 1987; Griffin, 1997; Scheufele, 2000; D'Angelo, 2002). In this sense, the conceptualization of framing also requires one to take into consideration the organizational pressures and constraints in the process of news production.

At the organizational level, D'Angelo (2002) discusses how media organizations limit the range of information about a topic in terms of validation of credible sources, and consequently foster or omit the presence of certain social actors in the framing of a specific issue. Shoemaker and Reese (1996) include others aspects of possible organizational influences on news content: the nature of organization structure, the economic constraints, conditions and changes of media ownership, and the levels of social control in the newsroom. In similar fashion, Vargas and dePyssler (1999) suggest that the ownership structure "can inhibit the emancipatory role of Latino newspapers and place them, in part, under the rubric of the U.S. commercial media model" (p. 193). In summary, the consideration of framing is intertwined with personal, ideological, and organizational conditions that interact in the process of constructing meanings about some aspects of social reality (Griffin, 1997). Ultimately, what is at stake in framing research is how audiences "think about issues, not by making aspects of the issue more salient, but by invoking interpretive schemas that influence the interpretation of incoming information" (Scheufele, 2000, p.309).

Immigration and racism

Mize and Leedham (2000) analyze how four U.S. newspapers in Colorado reproduce some bias about Latino immigration issues, specifically related to undocumented immigrants. From this perspective, they evaluate the positive and negative view of six major topics: social services, U.S. economy, ethnic composition, culture, and crime. Based on this study, Mize and Leedham (2000) conclude that the "public debate concerning immigration issues is affected by the desires of many groups and individuals

to reduce racial and ethnic heterogeneity on the population" (p. 93). In similar way, Van Dijk (1987) argues that in the case of most European countries, research in this area of immigration supports the fact that "ethnic prejudice and racism are either ignored or tend to be marginalized or discredited by much of the press" (p. 44).

Miller (1994) suggests that the media reflect the social accusations or worries about immigrants; however, the way the media portray the issues can help to exacerbate or ease those concerns. Moreover, like Mize and Leedhman's (2000) perspective, Miller (1994) acknowledges that most of these accusations against immigrants entail some forms of xenophobia about the racial and ethnic composition of migrant populations. Likewise, Santa Ana (1999), through the analysis of the metaphors used by *The Los Angeles Times* about immigrants, establishes that this newspaper does not explicitly legitimate racist practices, but "reflects the embodied basic values of the dominant political order that subjugates immigrants to other citizens" (p. 217). In this way, the analysis of immigration issues on mainstream media tend to take into account how the selection and framing of certain topics reproduces discourses of racism, prejudice, and marginalization.

Construction of Latino and gender identities

Several studies have examined how media, especially newspapers, influence the construction of collective identities among immigrant groups. Johnson (2000) notes that even though the media do not create ethnicity; they can bolster it. Thus, the notion of 'ethnicity' implies the use of some aspects of the groups' cultural background in order to identify and separate them from other collectivities (Johnson, 2000). In the case of the

Latino population in the United States, DeSipio and Henson (1997) suggest that Latino identities "are more likely to identify with their national-origin groups than with a panethnic identity" (p. 56). However, in their study of different U.S. newspapers, they found that the majority of the articles used a panethnic term such as 'Latino" or 'Hispanic' in order to make references to this population. In this respect, Oboler (2002) argues that the distinction between the terms Hispanic and Latino as self-identifier is significantly influenced by the social class positions.

Equally, Delgado (1998) in his analysis of Latino ethnic identities through readers' letters in the *Low Rider Magazine* asserts that there are critical tensions and problems in labeling a heterogeneous Latino population in the U.S. Furthermore, Delgado (1998) suggests that this construction of identities requires us to acknowledge that there are "multiple and complex identity expressions that defy simple categorization" (p. 4). In contrast, Rodríguez (1999) claims that Latino news media "emphasizes commonalities among Latinos, re-creating the ethnic group as a community of shared interests" (p. 80). In addition, Rodríguez (1999) considers that this issue of collective identities constitutes a quotidian challenge for Latino journalists in the United States.

On the other hand, Vargas (1999) studies how a U.S. local newspaper covers Latino current affairs, and to what extend it reproduces stereotypes of Latinos. Vargas (1999) found not only that Latinos were underrepresented in this newspaper, but also how the stories framed the Latino community as 'a colony'. Moreover, she contends that the news stories reflected a process of 'genderization'. Hence, Vargas (1999) thinks that: "Latino current affairs are constructed not exactly as feminine, but rather as womanish-an adjective" (p. 285). All in all, these considerations illustrate how construction of identity

and gender representations are articulated in the way media frame the Latino population in the United States.

Latino journalistic angle

Vargas and dePyssler (1999) propose the notion that Latino newspapers are a 'hybrid medium' in the sense that they combine some forms of community, ethnic, and immigrant media. In similar fashion, Subervi-Vélez (1988) suggests that Spanish-language newspapers can mobilize Latino communities around certain social, cultural, economic, and political causes. However, Subervi-Vélez (1999) insists that it is necessary to analyze regularly how Latino media present aspects of "framing, trends, interactions, and ideology of the portrayals of Latinos" (p. 138). In this context, Rodríguez (1999) points out how in Latino news media there is a permanent debate about the nature of the "journalistic angle". Consequently, "objectivity, and its opposite, advocacy, are a topic of daily discussion in Latino newsrooms" (Rodríguez, 1999, p. 31).

Indeed, some Latino journalists clearly accept that their job constitutes some form of advocacy for Latino communities in the U.S. (Rodríguez, 1999). This assumption seems to be based on the fact of journalists' ethnic backgrounds and their personal identification with this immigrant community. Marrero (2001) –a Latina journalist of *La Opinión*- expresses this professional tension: "Yes, the line separating what I do from who I am is sometimes very thin. But that's an indication to me that I am doing something that matters. And that's why I became a journalist in the first place" (p. 3). In contrast, *La Opinión* editor Gerardo López rejects the label of 'advocacy' in what they do as Latino newspaper: "I don't call it advocate. I think it is ethical for a journalist to have

in his mind not only to sell newspapers, but to provide a source of information that is helpful to your community" (Rodríguez, 1999, p.113). Undoubtedly, one sensible topic in this debate between advocacy and objectivity perspectives is the coverage of immigrants' issues in the U.S. In this respect, López claims that they try to present "all the benefits that immigrants bring to this country. We explore issues of education, agriculture, how much work and how much money was produced by the labor of all the immigrants" (Menard, 1995, p. 2). *The Dallas Morning News* editor Gilbert Bailon endorses the idea that Latino news perspectives "play a big role in helping to balance out how Latinos are represented by the media" (Menard, 1995, p. 3). One example of this contrast is the study by Turner and Allan (1997) about the media coverage of the US presidential elections in 1996 by *La Opinión* and *The Los Angeles Times.* Turner and Allan (1997), in their analysis of the news stories during the three days immediately following the elections, found notably framing differences between both newspapers, especially in the way they framed the Latino vote and the issues concerning to this population.

In summary, the coverage of Latino immigrants' issues in the United States might constitute a critical aspect in the Latino news media agenda, just as Marrero (2001) points out: "I write in Spanish for a readership comprised mostly of immigrants who are not totally proficient either in the language, the culture, or the politics or civic organization of the country in which they now reside" (p. 2). Moreover, this newspaper might reach an important number of Latinos that do not read other newspapers for getting their everyday information.

Hypotheses and research questions

From the above considerations discussed on related studies to this topic, this study proposes the following research questions in the analysis of *La Opinión Digital*:

RQ1: What issues about Latino immigrants in the U.S. are more salient on the front page of *La Opinión Digital*?

RQ2: To what extent is there in the news stories on the front page of *La Opinión Digital* a perspective of 'advocacy' for Latino immigrants?

RQ3: Is there a relationship between the demographics of Latino populations in Southern California and the percentage of coverage of specific Latin American countries given by *La Opinión Digital* on the front-page?

RQ4: Does *La Opinión Digital*, through the expressions used in the news stories on the front page, make references of Latinos as 'panethnic' identity or national/ethnic identities?

Furthermore, this study puts forward two hypotheses. These are based on the assumption that *La Opinión* gives attention to news in which Latinos and Mexicans are the central players (Rodríguez, 1999), and the organizational goal of becoming through the online version the main source of information for the Latino population in the U.S. Equally, it is expected that after the events of September 11, 2001 in the U.S there have

been new waves of anti-immigrant attitudes, prejudices, and governmental measures for controlling immigrants (Bhagwati, 2003) that might have affected part of the Latino immigrant population. Thus, the following hypotheses are formulated:

H.1: The news coverage of *La Opinión Digital* will show a proportional balance between the stories of certain Latin American countries on particular sections of the newspaper and the demographics of the Latino population in the U.S.

H. 2: There will be a noteworthy change in the topics about Latino immigrants reported by *La Opinión Digital* before and after September 11, 2001.

Method

Subervi-Vélez (1999) suggests that content analysis of print news provides essential data to assess the Latino representations in the media. Thus, this study relies on the methodology of content analysis in order to explore the research questions and hypotheses proposed above. Because this research project focuses on the online version of *La Opinión,* the online archive of this newspaper –from April 2000 until March 2003- was used for the development of the study. The unit of analysis was divided in two main levels. First, the use of 'keywords' (name of the country and nationalities) was utilized for examining the proportion of coverage of specific countries in different sections of the newspaper. These countries were México, Cuba, Puerto Rico, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic; and they were selected based on the

demographics of Latino populations in Southern California, and the U.S in general (La Opinión, 2003). The sections of the online version of the newspaper selected were: the front page, city, state, country, Latin America, editorials, and the option 'all sections'. The sample in this level of analysis consisted of three years that included all the articles in *La Opinión Digital* from April 2000 until March 2003, which generated a total of 32, 901 news stories.

The second step consisted of the analysis of whole news stories on the front page by searching with the keyword '*inmigrantes*' –immigrants-. The time period of the sample in this level of analysis was of one year, and it was selected based on the assumption that the events of September 11, 2001 in the United States generated important changes in the framing of Latino immigrants through this newspaper. Consequently, the stories about immigrants published between June 2001 and June 2002 were selected. In total, 225 news stories published on the front page were coded. The selection of the front page or 'home page' in some online publications entails two main considerations. On one hand, it represents, similarly to print newspaper, the end of the gatekeeping chain; and on the other one, the front page highlights the stories and pictures with the highest priority for the newspaper.

The coding instrument allowed for annotations of several elements. First, the main topic of the story; in this case twelve categories related to immigrants' issues were formulated: education, public safety/crime, health, economic issues, labor issues, political aspects, culture, social issues, discrimination/human rights violations, legalization/deportation, illegal immigration issues, and other. The process of

construction of these categories assumed some elements developed by previous studies, especially in relation to undocumented immigration issues (Mize & Leedham, 2000).

Second, the coder –one person did all the coding- considered the main perspective of the story in terms of its emphasis on benefits or problems for the U.S. population, the Latino immigrant population or both. Third, the perspective of the story was analyzed as advocacy, objective reporting, or interpretive report. The term 'advocacy' is applied in this context to include those stories that propose 'expressions' in support of the Latino immigrants in general or specific group based on their national origin (Mexican, Guatemalan, and so forth) as well as those stories in which there are some recommendations, addresses of institutions to call, or concrete actions the reporter suggest to the readers. For instance, if there is a case of labor problems the story may recommend and promote some possible actions that can be taken by the workers, in this case this story would be coded as 'advocacy'.

The term 'objective reporting' is a controversial and complex concept in Journalism schools and particular theoretical perspectives; specifically in the analysis of minorities and the way they gain legitimacy within mainstream media. Newkirk (2000) analyzes precisely how African American journalists how to demonstrate their level of objectivity within 'white media' through their capability to criticize their own African American communities. Likewise, some mainstream newspapers consider that Latino newspapers are not 'objective' in reporting about the issues concerning Latinos in the U.S. In this sense, the term 'objective reporting' indicates the way the news stories present a particular issue from different sources (contradistinction of positions), and in which the reporter or journalist do not make an 'explicit' expression or argument in favor

of one of the participants in the news story. Then, the coding of this category emphasized the way Latino journalists describe, explicate, and evaluate the story with a plurality of sources of information, but without 'explicit' personal judgments.

The 'interpretive' report refers to those stories in which there is no mention of specific sources of information, but develops an analysis and evaluation of certain topics. For instances, *La Opinión Digital* includes annual interpretive reports about the situation of Latinos in areas such as education, social security, political rights among others, in which tend to use this kind of interpretive reports. In this case, these stories where coded as interpretive reports.

The coding instrument also included other elements such as: the author of the story (reporter, correspondent, special report, independent, news agency), main source of information in the story, main actor in the story, primarily country mentioned or the use of the term Latino/Hispanic. It was also coded the country of origin of the news stories, whether the main term used was national-origin adjective such as 'Salvadoran' or panethnic identity (Latino/Hispanic), distinctions between illegal/undocumented immigrants or just the term 'immigrants', and the frame of identity (explicit references to elements of commonalities of language, culture, political unity, nation of origin, or common history). In addition, the news stories coded took into consideration whether the stories report a specific event in terms of time or it was a process of developments. Finally, the results of the coding instrument were tabulated and introduced into SPSS program in order to organize and conduct appropriate statistical analysis of the data obtained from the newspaper *La Opinión Digital.*

Results

The first research question proposed: What issues about Latino immigrants in the U.S. are more salient on the front page of *La Opinión Digital*? The results related to this question show that the three main issues were covered: news about legalization and deportation (36%), political issues (12.9%), and stories about discrimination and human right violations of immigrants both in the U.S. and Mexico (1.4%). The stories about legalization highlight the ongoing process of negotiation between the governments of Mexico and U.S. in order to provide temporal or permanent 'legal' status to millions of undocumented Mexican immigrants. In addition, the stories of deportation refer constantly to the new security measures taken by the U.S. government after September 11, 2001. The topic of political issues mainly reports the participation of 'Latinos' in the local and national electoral processes in the U.S., and the relevance of this Latino vote especially in California. Also, there were some stories related with the demands of Mexicans and Salvadorans immigrants for participating in the electoral processes of their countries of origin. In contrast, there was a news report about how Honduran immigrants in the U.S. participated in the last national elections of this country.

The issue of discrimination and violations of immigrants' human rights includes different situations in which immigrants both in the U.S. and Mexico have suffered by the police or other groups, especially when immigrants are trying to cross the borders of Mexico and the United States. In similar way, these situations of human rights violations report different actions taken by U.S. officials through the new 'home-land security' measures that concentrate on reinforcing the security at the major airports, and reducing the free movement of persons without documents. Other forms of discrimination included

threats against some Latino organizations in the U.S., destruction of murals, and the limitations for undocumented immigrant students in order to get financial aid for college. Table 1 summarizes the details of the Latino immigrants' issues covered in *La Opinión Digital.*

Table 1
Latino immigrants' issues in La Opinión Digital (June 2001-June 2002)

TOPIC	NUMBER OF STORIES	PERCENTAGE
Legalization/Deportation	82	36.4%
Political Issues	29	12.9%
Discrimination/Immigrants' Human Right violations	28	12.4%
Illegal immigration issues	22	9.8%
Labor issues	12	5.3%
Economic issues	11	4.9%
Social issues	11	4.9%
Education	10	4.4%
Health issues	9	4.0%
Culture	6	2.7%
Social issues	11	4.9%
Other	2	0.9%
TOTAL	225	100%

The second research question was: To what extent is there in the news stories on the front page of *La Opinión Digital* a perspective of 'advocacy' for Latino immigrants? In relation to this question, the analysis reveals that from the 225 stories examined only 29 (12.9%) were coded as an 'advocacy' perspective; 171 stories (76%) were coded as

objective reporting; and 25 articles (11.1%) were coded as interpretive reports. In this respect, it is important to emphasize that those stories coded as an 'advocacy' perspective are associated with the topic of legalization/deportation, and discrimination or immigrants' human rights violations. Table 2 summarizes the cross tabulation of these issues and journalistic framing perspectives.

Table 2
Crosstabulation of Latino immigrants' issues and journalistic perspective (Junio2001-Junio2002)

TOPIC	ADVOCACY	OBJECTIVE	INTERPRETIVE
Legalization/Deportation	10	63	9
Discrimination/Human Rights Violations	9	17	2
Illegal immigration issues	3	16	3
Social issues	2	8	1
Labor issues	2	9	1
Economic issues	1	8	2
Political issues	1	25	3
Education	1	6	3
Public safety/crime	0	9	0
Health issues	0	3	0
Culture	0	5	1
Other	0	2	0
TOTAL	**29 (12.9%)**	**171 (76%)**	**25 (11.1%)**

The third research question proposed: Is there a relationship between the demographics of Latino populations in Southern California and the percentage of coverage of specific Latin American countries given by *La Opinión Digital* on the front page? In this respect, the results indicate that México was the country most mentioned (44%) in the stories, then the panethnic term Latino/Hispanic (23%.1%), and the United States (12.4%). Although in this area of California a large number of immigrants from Central America reside, these countries were hardly mentioned in the stories. Thus, these countries obtained only 6.2% of the news coverage on the front page: El Salvador (3.1%); Honduras (1.8%), Guatemala (0.9%); and Nicaragua (0.4%). Table 3 presents the complete results related to this question.

Table 3
Primary countries mentioned in the stories about Latino immigrants (June 2001-June 2002)

COUNTRY	NUMBER OF STORIES	PERCENTAGE
México	99	44%
Latino/Hispanic	52	23.1%
United States	28	12.4%
None	28	12.4%
El Salvador	7	3.1%
Honduras	4	1.8%
Other	3	1.3%
Guatemala	2	0.9%
Nicaragua	1	0.4%
Cuba	1	0.4%
Dominican Republic	0	0%
TOTAL	225	100%

The fourth research question formulated was: Does *La Opinión Digital*, through the expressions used in the news stories on the front page, make references of Latinos as 'panethnic' identity or national/ethnic identities? In this sense, the results indicate that in 108 stories (48%) the term used was related with the nation of origin of the persons. On the other hand, 80 stories (35.6%) included the panethnic terms of Latino or Hispanic, though Latino was more used that Hispanic. In addition, 37 stories (16.4%) did not include any of the above categories. Furthermore, the term Latino/Hispanic was especially used in relation to political events, particularly the Latino participation in the electoral processes in the state of California and the United States in general. Thus, it seems that the use of the terms Latino/Hispanic intends in most cases to compare this ethnic communities with other groups in the U.S.

In terms of the Hypothesis 1: The news coverage of *La Opinión Digital* will show a proportional balance between the stories of certain Latin American countries on particular sections of the newspaper and the demographics of the Latino population in the U.S., the results show that the three countries with more news stories and editorials in this newspaper are: México (53%), El Salvador (14.2%), and Cuba (9%). Conversely, the two countries less mentioned were Dominican Republic (2.25%) and Puerto Rico (1.6%). In addition, it interesting to observe the number of stories of each of these Latin American countries in the different sections analyzed: front page, city, state, country, Latin American, editorials, and the option all sections. Table 4 summarizes the specific number and percentages of the news coverage.

Table 4
Coverage of some Latin American countries in La Opinión Digital (April 200-March 2003).

Section/ Country/	Front Page	City	State	Country	Latin America	Editorials	Total	All Sections
México	1,600	771	394	426	1,985	1,081	6,257 **53%**	18,085
El Salvador	229	240	15	52	863	281	1,680 **14.2%**	3,721
Cuba	167	33	14	173	371	291	1,049 **9%**	2,458
Guatemala	124	126	8	21	604	140	1,023 **8.7%**	2,458
Nicaragua	83	67	3	17	502	93	765 **6.5%**	2,082
Honduras	75	58	2	26	359	44	564 **4.8%**	1,153
Dominican Republic	40	13	1	32	130	44	260 **2.25**	1,522
Puerto Rico	41	20	4	82	7	34	188 **1.6%**	1,998
TOTAL							11,786 **100%**	32,901

Based on these results, it is possible to conclude that some Latin American countries, specifically the Caribbean nations of Dominican Republic and Puerto Rico are underrepresented in the news coverage of *La Opinión Digital*. On the other hand, it is clear that the percentage of coverage dedicated to México is proportionally with the demographics of this Latino group, approximately 59% of the Latino population in the United States (La Opinión, 2003).

The second hypothesis stated that: There will be a remarkable change in the topics about Latino immigrants reported by *La Opinión Digital* before and after September 11, 2001. In this respect, the findings indicate two crucial aspects. First, there was definitely a dramatic reduction in the number of stories on the front page about Latino immigrants in this newspaper after September 11, 2001. For instance, in August 2001 there were 32

stories whereas in the next month only 19. The tendency continued in the following months: 14 stories in October 2001, 8 stories in November 2001, 18 in December 2001, and only 7 in January 2002. After this month, the stories reached again an average of 20 stories per month.

Second, the most dramatic change consists in the number of stories covering issues of discrimination or human right violations against immigrants. Before September 11 there were only 2 stories in this category; however, after this date the number of stories in this topic increased dramatically. In total, there were 26 stories addressing issues of discrimination not only in the United States but also in México. Equally, there were more stories linked to procedures of deportation of Latino undocumented immigrants, particularly those who were working at national airports. As a result, it is possible to conclude that the second hypothesis was confirmed. In other words, in fact there were important changes in the topics, and frequency of stories about Latino immigrants reported by *La Opinión Digital* before and after September 11, 2001.

Other descriptive findings of this study reveal that these 225 news stories were written by the following categories of authorship: 96 stories (42.7%) by reporters, 83 stories (36.9%) by correspondents, 32 stories (14.2) were labeled by the newspaper as 'special for La Opinión', and 14 stories (6.2%) by news agencies. In addition, the statistical analysis of this data found significant correlations between the author of the story and the topic, the primary source used, and explicit references of identity (in terms of language, culture, political unity, country of origin, and common history). These correlations were established through the use of the Spearman's rho calculation, and suggest important associations between the reporter and how he or she defines

emphasizes the main source of the story, and the inclusion of particular expressions linked with the sense of ethnic identities. The following figures present the details of the Spearman's rho correlations.

Correlation between reporter and topic of the story

			REPORTER	TOPIC
Spearman's rho	REPORTER	Correlation Coefficient	1.000	.179
		Sig. (2-tailed)	.	.007
		N	225	225
	TOPIC	Correlation Coefficient	.179	1.000
		Sig. (2-tailed)	.007	.
		N	225	225

** Correlation is significant at the .01 level (2-tailed).

Correlation between reporter and the primary source mentioned in the story

			REPORTER	SOURCE
Spearman's rho	REPORTER	Correlation Coefficient	1.000	-.261
		Sig. (2-tailed)	.	.000
		N	225	225
	SOURCE	Correlation Coefficient	-.261	1.000
		Sig. (2-tailed)	.000	.
		N	225	225

** Correlation is significant at the .01 level (2-tailed).

Correlation between reporter and the frame of national or panethnic identity

			REPORTER	IDENTITY
Spearman's rho	REPORTER	Correlation Coefficient	1.000	.210
		Sig. (2-tailed)	.	.002
		N	225	225
	IDENTITY	Correlation Coefficient	.210	1.000
		Sig. (2-tailed)	.002	.
		N	225	225

** Correlation is significant at the .01 level (2-tailed).

Discussion and Conclusion

Based on the findings of this study, it is important to discuss the following considerations. First, these results of this research show not only what issues are more salient about Latino immigrants, but also what elements are excluded or underrepresented in this newspaper. It seems evident that *La Opinión Digital* gives important coverage to the issues concerning Latino undocumented immigrants, especially Mexicans, and at the same time highlights the actions of the government or official authorities in this respect. In addition, this newspaper draw attention to the actions of grassroots Latino organizations working in favor of the immigrants; however, it would be necessary to evaluate what organizations or community efforts are not presence in this medium. This can be a crucial consideration for future research in the area of Latino newspapers in the U.S.

About the absent elements in the stories analyzed, it is relevant how very few articles discussed the socioeconomic and political causes of the Latino immigration to the United States, and critical cultural implications in the composition of the Latino immigrant population in the United States. For instance, many immigrants especially from México and Guatemala come from different indigenous ethnic communities; however, it seems that this Spanish-language newspaper does not pay enough attention to these particular cultural, linguistic and political implications for these groups. Thus, it would be important to explore in the future, whether indigenous immigrants from Latin American countries feel represented in the Latino media, and how they use and interpret these representations.

Second, the construction of 'collective identities' through the news stories in this newspaper entails important cultural matrices and political consequences. The framing of the Latino population identity in the public and media discourse has basically assumed a binary categorization: national origin or Latino/Hispanic. In the news stories analyzed in *La Opinión Digital*, the nationalities of the persons were more mentioned, but when the topic was related to political processes or elections, then the term of Latino was more used. This suggests the idea that identities are constantly articulated depending of the social and political positions in relation to other social groups. Someone may identify as 'Mexican' among other Latinos, but as 'Latino' when he or she is interacting with Americans or African American people. Moreover, in the analysis of representations of identities in the media, it is necessary to take into consideration how the different social class positions, ethnic background, race, gender, education, legal status, religious and political affiliations among the Latino population are produced and negotiated. This aspect may require future studies that seek to articulate the media representations and the ways in which Latino immigrants integrate this images and narratives in their everyday life.

Third, it is necessary to evaluate to what extent the heterogeneous Latino population in the U.S. consider that these ethnic media such as *La Opinión Digital* really respond to their informative and communicative needs and aspirations. Moreover, in this specific case, it would be interesting to identify whether the Latino population primarily in California evaluates this newspaper as 'Latino' or 'Mexican' newspaper. In this sense, the organizational aspiration of *La Opinión Digital* to become the main source of information for all Latino population in the United States probably will not be reached if

this newspaper does not give more coverage to particular Latino populations, especially to the Central American and the Caribbean countries. Also, it may be possible that in the future this newspaper could segment the information or some sections according to particular nationalities as some print Latino newspapers are doing nowadays. Therefore, this type of studies provides important insights for organizational media evaluations and definitions of editorial priorities for the future. Equally, it would be crucial to carry out further studies from this dimension in order to identify main trends and developments of the Spanish-language newspapers in the United States, and the new challenges posed by the possibilities for Latino immigrants of accessing online newspapers from their home countries.

Fourth, these results suggest that the Latino journalistic reporting in *La Opinión Digital* although include some stories that can be considered from the advocacy perspective, it mainly represents the standard news reporting label as "objective" or impartial. In this study, only 12.9% of the 225 stories analyzed were coded as "advocacy". Consequently, it possible to argue that the critics of some journalistic media about 'advocacy' in the Latino newspapers is based on the assumption that ethnic media in the United States have to gain some level of legitimacy or 'objectivity' in comparison to mainstream media. In other words, the mere argument about the advocacy reporting in minorities' media reflects the social, political and ideological processes of marginalization of these minorities in American society. In addition, the findings of this content analysis is relevant in terms of considering the relations between the author of the story and the sources, terms, styles, and frames proposed. In a similar way, Turner and Allan (1997) in their comparison between *La Opinión* and *The Los Angeles* Times

establish that it is crucial "to examine two stories by the same writer to see whether different frames were used for similar and different stories" (p. 895). In summary, it is necessary more research about the way media gatekeeping and framing interact between who writes the story -reporter, correspondent, independent, news agency- and organizational influences in the process of news production. In order to explore more in depth this Latino journalistic angle, it would be necessary more studies that make comparisons not only between Latino and American media, but also among different minorities' media, especially different Latino media.

In conclusion, as Rodríguez (1999) emphasizes, "Although it is evident that *La Opinión*'s journalistic culture is different in many ways from that of general market U.S. journalism, the differences can also be exaggerated" (p. 116). Moreover, it would be important to evaluate the future directions of these ethnic media in the face of corporative merges and the increasing prevalence of a commercial logic. On the other hand, the results of this study constitute a preliminary approximation to a variety of critical considerations and possibilities of Latino media in the United States. The Latino population in the U.S. is now not only the largest minority in this country, but also is a heterogeneous minority with diverse informational and communicational needs for cultural, social, and political transnational action. Therefore, the Latino media – particularly *La Opinión*- face fundamental challenges, specifically in order to articulate a sense of 'Latino journalistic angle' that assumes the tensions between civic journalism and the financial constraints in a competitive market; and at the same time strength the possibilities for representations of diverse voices, identities, images, narratives, problems, conflicts, and dreams of Latino immigrants in the United States.

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News Use and Knowledge About Diabetes in African Americans and Caucasians

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Introduction

Diabetes[1] was the sixth leading cause of death in 1999, causing approximately 450,000 deaths among people aged 25 years and older in the United States (CDC, 1999). Twenty percent of all people aged 65 years or older have diabetes, and the prevalence of diabetes among those aged 20 years or older is about nine percent (CDC, 1999). Diabetes is more prevalent in minorities, and complication and death rates from diabetes are higher in African Americans and Hispanics than in Caucasians (NIDDK, 2002).

These statistics suggest that communicating to the American public about diabetes is of critical importance. However, studies that examine the effects of news media on knowledge, treatment, and prevention of diabetes have been rare in the scientific community of mass communication and public health. For example, in the past four years there was only one relevant article in the *Journal of Health Communication*. It compared the perceptions of individuals with diabetes about diet and exercise barriers with diabetes educators' perceptions of those barriers (Shultz et al., 2001). News impact on diabetes may play a critical role and therefore this is an area important to examine.

This study evaluates a model that describes the process of how people filter information from newspaper and local television coverage about health care issues through the personal relevance of diabetes to themselves to develop knowledge about diabetes. The model is tested with a telephone survey of two important populations, African Americans and Caucasians. In addition to exploring the role of news media in building health-related knowledge, we are interested in seeing whether the proposed model would apply equally well to both groups in their processing diabetes information from the news.

To develop a theoretical framework that provides a rationale for the model and its predictions, we examine the Elaboration Likelihood Model (ELM) (Petty & Cacioppo, 1981, 1986b; Petty, Cacioppo, & Goldman, 1981). As a comprehensive persuasion theory, the ELM offers an insightful way of examining the relationships among motivation, personal relevance, and ability at the individual level that mass communication scientists can apply for a better understanding of the effects of news media on public health. In addition, we review both methodological and theoretical issues associated with attention to news media (e.g., Chaffee & Schleuder, 1986) and explore the role of attention as an influential variable in estimating the impact of news on the public's health knowledge when personal relevance of an issue is considered.

Literature Review

The Elaboration Likelihood Model

The original conceptualization of the Elaboration Likelihood Model (ELM) (Petty & Cacioppo, 1981, 1986) posits that there are two paths to persuasion: the central path and the peripheral path. The central route occurs when a person critically considers issue-relevant information in a persuasive message. When a message recipient is motivated to think about the message, considers it to be highly relevant, and is able to process it, the central route is used. On the other hand, a person is likely to process a message peripherally if he or she is unable (due to distractions, for example) or unwilling (not motivated) to think carefully about the issue-relevant information of the message. In peripheral processing, a person pays attention to simple or more secondary cues of a message that allow the person to decide what attitudinal position to adopt without scrutinizing the issue-relevant information.

In addition to its close association with motivation (Petty & Cacioppo, 1986b), the significance of personal relevance lies in its relationship with the amount of attention that one is likely to give to the issue-relevant content of a message (e.g., Roser, 1990). According to the ELM, when people encounter messages about issues of high personal relevance, they are more likely to expend cognitive effort to elaborate or think about them more carefully than they would when exposed to issues of low personal relevance. This diligent and cognitive effort will then result in attitudinal changes that tend to be enduring and predicative of subsequent behavior or knowledge. If attention is paid to aspects of a message that are not relevant to the issue such as credibility of a source or attractiveness of a voice, peripheral route processing is likely to occur, and the changes in attitude tend to be less predictive of subsequent behavior (Petty, Cacioppo, & Goldman, 1981).

Another important implication of the ELM is the conceptual link between personal relevance and information seeking/processing. As personal relevance of an issue increases, it is likely that information seeking/processing will increase in intensity (e.g., Petty & Cacioppo, 1986b; Rimal et al., 1999). This is so because as personal relevance increases, people tend to become more involved and make a cognitive effort to evaluate issue-relevant information of a message. Their engagement in active information seeking or elaborative information processing will likely enable them to learn more from the message (e.g., Flora & Maibach, 1990) and gain more knowledge (Rimal et al., 1999).

However, the link between personal relevance and information processing may not always be a linear one, as Petty and Cacioppo (1986b) cautioned, particularly when the issue in question concerns one's central values such as culture and religious beliefs. For example, some African American cancer patients with close family members or friends

who experienced cancer demonstrated increased fear, suspicion, and pessimism about their prognosis; they consequently became more reluctant to seek cancer information and relied more on the belief that "God is going to take care of me" (Matthews et al., 2002, p. 213).

Other research has shown empirical support for a linear link between information seeking and personal relevance or involvement. Operationalized as amount of cognitive processing of health information, involvement was found to be predictive of changes in attitudes, behavior, and gains in knowledge (Chaffee & Roser, 1986). Involvement with local media was a significant predictor of information holding and parasocial interaction or perceived friendship with a local news personality (Perse, 1990b).

In the health communication literature, there has been a dearth of research on how advertising and marketing approaches to different segments of the public can be adapted to meet the specific demands of the health communication situation (e.g., Maibach & Cotton, 1995; Patterson, Haines, & Popkin, 1994; Slater, 1995; Slater & Flora, 1991). For informed health decision making, researchers have suggested that it is necessary to consider how various audience groups use media and professional sources of information (e.g., Wallack, 1990). The way individuals acquire information from various channels has been shown to affect their health choices and behaviors (e.g., Freimuth, Stein, & Kean, 1989; Huebner et al., 1989; Johnson & Meischke, 1993; Lenz, 1984). The conceptualization of the Elaboration Likelihood Model implies that the importance of cognitive components of personal relevance or involvement, such as attentiveness to media messages, should not be ignored in studies that examine the effects of news media on knowledge about health.

Impact of attention on learning from news media

Attention, in central route processing, is regarded as a conscious and mental activity; it is intentionally directed toward the issue-relevant information in a persuasive message as a result of the high personal relevance deemed by the message recipient (Petty & Cacioppo, 1986b). Similarly, in communication research, attention is viewed as "a covert mental activity occurring within the 'black box' of a person" (Chaffee & Schleuder, 1986, p. 77). Compared to exposure (usually measured in hours in a day or days in a week to read a newspaper or watch television), attention is the more central requirement for cognitive processing to occur.

One of the arguments for use of attention rather than exposure in media effect studies is that given the limitations of human information-processing capacities, people tend to "extract only the essence of new information about familiar topics that fits into the many memory schemas they have developed throughout their life span"(Graber 2001, p.46). This suggests that human learning, whether it is about politics or health, is highly goal-directed and oriented toward information that is deemed interesting and useful. From the ELM perspective, when the issue of a message is expected to have an intrinsic importance or personal meaning, more cognitive effort will be made to evaluate the information relevant to the message (Petty & Cacioppo, 1986b; Petty, Cacioppo, & Goldman, 1981).

Another argument in favor of attention is that measurement of exposure is more or less a reflection of one's time allocated to a message; it hardly shows the extent and degree of one's mental effort or commitment when either viewing television or reading newspapers (Potter & Chang, 1990). Measurement of attention in addition to exposure

helps researchers more adequately capture the true effects of media on attitude, knowledge, and behavior (Chaffee & Schleuder, 1986). In addition, when examining effects of different media, measurement of media attention is particularly recommended in cross-sectional designs in which media use levels are likely confounded with individual differences in other measures. "Adding media attention measures to the comparison can reduce the spurious influence of third variables on tests of cognitive effects" (Chaffee & Schleuder, 1986, p.103).

In political communication, research has shown that neglect of attention may lead to an underestimation of the importance of television news as a contributor to the public's political knowledge (e.g., Eveland, 2001). In their early work examining the impact of attention beyond exposure measures and the different effects of newspapers and television among 10-17 adolescents and their parents, Chaffee and his colleagues found that attention to the major party conventions on television was a strong predictor of candidate party knowledge in the parents, and media attention (TV news and newspaper) was a stronger predictor of both unique candidate knowledge and party-issue knowledge than other measures of attention. In addition, general attention (national and foreign affairs in newspaper and on TV) was a stronger predictor of party symbol knowledge and candidate party knowledge than the media attention measure (Chaffee & Schleuder, 1986).

In a later study, attention to newspaper was the strongest predictor of party-issue knowledge, whereas TV news was shown to be the strongest predictor of candidate-issue knowledge and a strong predictor of personal knowledge of candidates, when demographic variables were statistically controlled (Chaffee, Zhao, & Leshner, 1994). Other studies of political communication have shown that news media attention, measured as attention to

national government and politics in newspaper and on television news, was significantly related to elaborative processing and public affairs knowledge when age, gender, education, and income were controlled (Eveland, 2001). Newspaper use (combining exposure and attention), not television use (2 exposure items and 2 attention items combined), significantly predicted voting and political participation controlling for the traditional demographic measures and campaign interest (Eveland & Scheufele, 2000). In an experimental ELM study, attention was directly associated with perceptions of message relevance as well as with knowledge (Roser, 1990).

African American audiences and Media

Previous research has long shown that representations of African Americans in both mainstream news and entertainment media (including reality-based programs and daytime serials) have a negative effect on how Caucasians perceive African Americans (e.g., Entman, 1994a, 1994b; Abernathy-Lear, 1994; Owens, 2002; Squires, 2002; Wood, 2002). According to the 1968 report of the National Advisory Commission on Civil Disorders, American news media failed to adequately cover race relations and urban problems, were biased or racist in their news reporting about African Americans, had a dismal record for employing African Americans, and treated them as outsiders of the American society. For example, both network and local television news appear to describe African Americans as violent and threatening to Caucasians and continually causing problems for the law-abiding and tax-paying majority (Entman, 1994a, 1994b). Furthermore, there is an inscribed image or institutionalized racism that associates African Americans with negatives such as crime, drug, violence, homelessness, welfare fraud, homicide, and poverty (Wood, 2002, Owens, 2002). The news media contribute to creating

a divide between what she called "field Negro" and "house Negro," or "bad Black" and "good Black" "in a quest for individual dominance" (Wood, 2002, p. 99).

While acknowledging that they use mainstream media for information or pleasure nearly as well as other populations do, Squires (2002) argues that African Americans tend to supplement mainstream media with Black-owned media products as a shield against the dominant ideology around race. Although consumption without acceptance may be particularly common for African Americans (Squires, 2002, p. 45), they engage in critical and analytic interpersonal encounters with other members of their racial community or the "Afrocentric talk" to create a "Black world" for deconstruction of the inscribed image and reconstruction of their own identity through which they can obtain knowledge and find meaning beyond those offered by the mainstream media (Wood, 2002). African American women, for example, tend to integrate their own life experiences and cultural knowledge into their readings of media texts (Bobo, 1995).

If the news media contribute to a divide between African Americans and Caucasians in their opinions and perceptions about racially charged incidents (e.g., the coverage of the riotous civil disorders following the assault trial of some Los Angeles police officers who had been videotaped violently beating an African American motorist Rodney King in 1993, Owens, 2002) and controversial African American leaders (e.g., the coverage of Supreme Court nominee and Justice Clarence Thomas and former Washington D.C. mayor Marion Barry, Entman 1994a, 1994b), it is reasonable to expect that the two groups would develop different perceptions, attitudes, and behaviors after they are exposed to the mainstream news media. As far as health information such as knowledge about diabetes is concerned, however, there have not been many empirical studies supporting the

same reasoning. Therefore, it remains unclear how the above arguments and findings would help predict the effects of using news media for health-related information on African Americans' and Caucasians' knowledge about diabetes. Although we have no specific expectations about how the two populations may have in common or differ in processing health information from the news media, this is certainly an important area that deserves exploration (e.g., Lewis & Green, 2000).

The Proposed Model and Hypotheses

In this study, we used personal relevance of diabetes as an affective measure (e.g., Perloff, 1985; Roser, 1990) and attention to news media as a cognitive measure (e.g., Chaffee & Schleuder, 1986) to see if each of them, along with exposure to news media, would contribute to knowledge about diabetes. We separated newspaper from local television news because we wanted to distinguish their unique effects in terms of exposure and attention on knowledge about diabetes with the presence of personal relevance. Understanding how each of the two media works as a source of information and how engaged African Americans and Caucasians are to evaluate the information from news conveyed either in newspaper or on TV, we believe, will enable researchers and health practitioners to make better use of channels of communication for effective dissemination of health messages to African Americans and Caucasians.

According to Petty and Cacioppo (1986b), personal relevance of an issue is defined as "the extent to which an advocacy has 'intrinsic importance' or 'personal meaning'" (Petty & Cacioppo, 1986b, p. 145). This definition allows liberal interpretations in the real world because the word of "relevance" can be judged in a variety of dimensions such as personal importance of an issue, the number of personal consequences, or the magnitude of

previous associations, personal consequences, and experiences. Our measure of personal relevance of diabetes, therefore, focused on the dimension of people's personal experiences with diabetes and the experiences of those close to them with diabetes.

We used an index of knowledge about diabetes as the dependent variable. We are aware that there is a likely confounding effect that people who see an issue as high personal importance or relevance may be more familiar with the issue or may have more issue-relevant knowledge, as suggested by Petty & Cacioppo (1986b, p. 146). For example, it is reasonable to expect that those who have been diagnosed to have diabetes or know people who have diabetes will be more motivated to seek information about diabetes and possess more knowledge about the disease than those who do not have diabetes. Therefore, it is important that the impact of exposure and attention to new media on knowledge about diabetes is controlled before the effect of personal relevance is examined.

Integrating the above literature review and empirical research concerning the relationships between personal relevance and knowledge and between personal relevance and attention, we suggest that the effects of news media on knowledge about diabetes would be reflected in the personal relevance of the disease as well as in the amount of attention people pay to diabetes information in the media. While personal relevance is the most important variable of the factors that influence the likelihood of message elaboration (Petty & Cacioppo, 1986b; Petty, Cacioppo, & Goldman, 1981), attention and perceived relevance should be equally considered in a research design because the first is unlikely to be evoked at the absence of the latter (Roser, 1990).

Our proposed model is depicted in Figure 1. First, we anticipate that personal relevance of diabetes will motive people to seek and pay attention to diabetes information conveyed in the news media. Previous research also leads us to expect that knowledge

about diabetes would be predicted by personal relevance. And, we hypothesize that exposure and attention to news media would have a direct impact on knowledge about diabetes in both African Americans and Caucasians. When all the variables are simultaneously present, we anticipate that personal relevance and attention to newspaper and local television coverage of health care issues would be shown to account for gains in knowledge about diabetes.

Specifically, the model predicts the following outcomes.

H1: Personal relevance will be positively related to exposure and attention to newspaper coverage of health care issues in African Americans and Caucasians.

H2: Personal relevance will be positively related to exposure and attention to health care stories on local television news in African Americans and Caucasians.

H3: Personal relevance will be predictive of knowledge about diabetes of both African Americans and Caucasians.

H4: Exposure and attention to newspaper coverage of health care issues will be positively related to knowledge about diabetes in both African Americans and Caucasians.

H5: Exposure and attention to health care stories on local television news will be positively related to knowledge about diabetes in both African Americans and Caucasians.

H6: Both personal relevance and attention to the news media will be positively related to knowledge about diabetes in African Americans and Caucasians.

Method

Data and Sample

The hypotheses of the study were tested with a telephone survey of 1,219 Caucasians and 387 African Americans interviewed by a professional survey center at a Midwestern university in late 2002 and early 2003. The sample was randomly drawn from residential households in one major metropolitan area and five medium-sized cities in a Midwestern state using random digit dialing (RDD) techniques. (African Americans were over-sampled because of the higher incidence of diabetes in African Americans) (CDC, 1999). To ensure a balanced group of adults 18 years of age or older in terms of age, gender, education, and other personal characteristics, the Troldahl-Carter-Bryant method was used for selection of respondents (Lavrakas, 1993). A computer-assisted telephone interviewing (CATI) software was used in the selection of respondents and the data collection process. The survey instrument was approved by the university's Institutional Review Board prior to the data collection. The response rate of the survey was 54%, using the final codes and definitions for calculating response rate provided by The American Association For Public Opinion Research (AAPOR, 2000).

The survey instrument was designed to assess public perceptions and knowledge about diabetes at the community level. In addition to questions about diabetes, respondents were asked to indicate their use of newspaper and local television news, attention to the media coverage of healthcare issues, and personal experience with diabetes and with people who have diabetes.

Measurement

Dependent variables

The dependent variable examined in the present data was an additive index of "knowledge about diabetes." It consisted of six question items (alpha = 0.65 for

Caucasians; alpha = 0.75 for African Americans): "In general, I believe that healthcare professionals who treat people with diabetes should be trained to communicate well with their patients," "Diet and blood sugar control are very important in the care of a diabetic patient," "Diabetic patients must control their weights," "Regular exercise is important for diabetic patients to take care of themselves," "People with diabetes should not smoke cigarettes or cigars," and "In addition to doctors, nurses and dieticians are needed to provide good care for persons with diabetes." The response categories for the six items were (1) strongly disagree, (2) somewhat disagree, (3) neutral, (4) somewhat agree, and (5) strongly agree.

Independent variables

We used four variables to measure (1) exposure to newspaper and local television, and (2) attention to newspaper and local television stories about healthcare. Respondents were first asked to indicate how many days in a week they read a newspaper, and how many days in a week they usually watched local television news in the evenings. There were also two questions about attention to health care stories in the newspaper and on the local television news.

The index of "personal relevance of diabetes" consisted of four questions. The first two questions were "Have you been diagnosed to have diabetes disease?" and "Do any other members of your immediate family have diabetes?" Responses were coded as (1) yes, (0) no.

The other two items were "I personally know people in my community who have amputations because of diabetes," and "I know people who have been told they are diabetic but do not take care of themselves." Response categories for them were (1) strongly disagree, (2) somewhat disagree, (3) neutral, (4) somewhat agree, and (5) strongly agree.

To be consistent with the measurement scale of the first two questions, we assigned "1" to responses of "strongly agree" and "somewhat agree," and "0" to "strongly disagree" and "somewhat disagree." Responses of "neutral" were treated as missing data. Thus, a score of "4" in the index means that a respondent answered "yes" and "strongly/somewhat agree" to all the four questions, representing the highest level of personal relevance of diabetes in the study. Similarly, a score of "0" indicates that a respondent said "no" and "strongly/somewhat disagree" to the four questions, showing the lowest level of personal relevance of diabetes.

Demographic and control variables

We included a total of six demographic and control variables in the study. The demographics were age, gender, education, and income. The two control variables were religious beliefs and health insurance coverage. Previous research has shown that health insurance coverage was an independent predictor of receiving treatment for people with diabetes (Egede & Zheng, 2003) and of medical information seeking among African American cancer patients (Matthews et al., 2002). Religious beliefs were found to play an important role in health care practices and emotional adjustment of African American cancer patients (e.g., Barber et al., 1998; Matthews et al., 2002), and in the willingness of attending church-based health promotion programs by African Americans (Lewis & Green, 2000). These close links suggest that it is critically important to remove the effects of having health insurance coverage and religious beliefs before the impact of news media variables is examined.

Analytical procedures

Our data analysis consisted of a series of regression equations in which each of the relationships illustrated in Figure 1 was examined. Before the analysis was executed, close attention was paid to the quality of the survey data to ensure that scores of each of the dependent, independent, and demographic and control variables were within reasonable ranges of their values. Multivariate outliers were carefully examined through computation of Mahalanobis distance ($p < .0001$) (Tabachnick & Fidell, 1996).

To effectively assess the hypotheses, our variables were grouped into blocks to enter the regression equations. For example, in Tables 9 and 10 where our dependent variable was fully predicted, the demographic variables including health insurance coverage and religious beliefs were entered first as statistical controls. This was followed by three blocks of newspaper use (Table 9) / local television use (Table 10), attention to newspaper (Table 9) / attention to local television news (Table 10), and personal relevance, respectively.

The significance of the regression models was assessed by incremental F-tests using the Type 2 error term for the denominator (Cohen & Cohen, 1983). In each regression equation, the standardized regression coefficients were derived from the final model where all the relevant variables were present. For the incremental *F*- and *t*-tests, alpha was set at 0.05 (Type I error probability).

Results

Descriptive statistics for all the variables used in the analysis are displayed in Table 1. The average age of the people interviewed was 47.5 years ($SD = 18$) for the 1,219 Caucasians, and 48.3 years ($SD = 18$) for the 387 African Americans. Forty-five percent (44.7%) of Caucasians were male, and the remaining 55.3 percent were female. As for the

African American sample, 42.2% were male and 57.8% were female. On average, Caucasians had a higher annual household income (M = 3.2, SD = 1.4) than African Americans' (M = 2.5, SD = 1.1). They also had completed a higher level of education (M = 3.0, SD = 1.2) than African Americans' (M = 2.5, SD = 1.0).

As for the two control measures, 90.7% of Caucasians and 86.8% of African Americans had healthcare insurance coverage. Eighty-six percent (85.7%) of African Americans were either very or somewhat religious, slightly higher than their counterpart (80.3%) who held similar beliefs. Furthermore, 9.3% of the Caucasian sample had been diagnosed to have diabetes, compared to 18.9% of the African Americans sample. These numbers were slightly higher than the CDC's 1999 database estimating that 7.8% of all non-Hispanic Whites and 13% of all non-Hispanic Blacks have diabetes (CDC, 1999). In addition, 31.8% of Caucasians and 45.4% of African Americans reported that other members of their immediate families had diabetes.

Table 1 also displays mean scores of the two groups on the four measures of exposure and attention to newspaper and local television coverage of healthcare issues. To see whether there would be significant differences between the two groups, we ran an independent-samples t test (Caucasian = 1, African American = 0). The analysis revealed that there was a significant difference between the two samples in newspaper use, $t(1,605) = 5.51$, $p < .001$, with Caucasians (M = 3.83, SD = 2.9) reading newspapers significantly more than African Americans (M = 2.92, SD = 2.7). As for attention to newspaper coverage of healthcare, there was no significance between the two samples, $t(1,605) = -1.59$, $p = .11$.

Significant differences were also found in local television use, $t(1,605) = -6.21$, $p < .001$, and attention to local television news, $t(1,605) = -4.87$, $p < .001$, suggesting that

African Americans ($M = 5.32$, $SD = 2.4$) not only watched local television news significantly more than did Caucasians ($M = 4.40$, $SD = 2.6$), but also paid significantly more attention to local television healthcare coverage ($M = 3.41$, $SD = .8$) than Caucasians ($M = 3.17$, $SD = .8$).

Tests of Hypotheses

Eighteen (nine for each sample) hierarchical multivariate regressions were run to assess the effects of newspaper and local television news separately on the dependent variable for both African Americans and Caucasians. Tables 2 and 3 display the results for Hypothesis 1, Tables 4 and 5 for Hypothesis 2, and Table 6 for Hypothesis 3. Tables 7 and 8 show the results for Hypotheses 4 and 5, and Tables 9 and 10 for Hypothesis 6.

Hypothesis 1 suggested that personal relevance of diabetes would have a direct effect on exposure and attention to newspaper coverage of health care issues. As shown in Tables 2 and 3, personal relevance was significantly related to attention to newspaper coverage ($\beta = .10$, $p \leq .001$, Table 3) for Caucasians, but was not significant for African Americans. For both samples, personal relevance was not significant in predicting newspaper use.

Regarding the relationship of personal relevance and exposure and attention to local television coverage (Hypothesis 2), Table 4 shows that personal relevance was a significant factor in predicting local television use for Caucasians ($\beta = .07$, $p \leq .05$) as well as for African Americans ($\beta = .09$, $p \leq .05$). Personal relevance was also significantly related to attention to local television news for Caucasians ($\beta = .07$, $p \leq .01$), but not for African Americans. Therefore, Hypotheses 1 and 2 were partially supported

Hypothesis 3 suggested that personal relevance would significantly predict knowledge about diabetes. We found strong support for the hypothesis. When the demographic and control measures were present, personal relevance was significantly related to knowledge about diabetes for African Americans ($\beta = .20, p \leq .001$, Table 6) as well as for Caucasians ($\beta = .23, p \leq .001$, Table 6). As expected, the measure of personal relevance accounted for 4.1% of the total variance of 6.3% in the African American sample, and 5.3% of the total variance of 7.8% in the Caucasian sample.

As shown in Table 7, Hypothesis 4 was well supported for both groups, where the relationship between exposure and attention to newspaper coverage and knowledge about diabetes was examined. When the demographic and control variables including having health insurance coverage and religious beliefs were statistically controlled, attention to newspaper was significantly related to Caucasians' knowledge about diabetes ($\beta = .15, p \leq .001$) as well as to African Americans' ($\beta = .21, p \leq .001$). It should be noted that the measure of attention contributed a significant 4.0% to the total variance of 6.3% in the African American sample, whereas the same measure added a significant 2.0% for the Caucasian sample. Newspaper use was significant in predicting knowledge about diabetes for Caucasians ($\beta = .06, p \leq .05$), but not for African Americans. This is consistent with the results of the independent-samples *t* test mentioned earlier.

Similarly, there was adequate support for Hypothesis 5 that suggested exposure and attention to local television news would be positively related to knowledge about diabetes. Again, attention to local television significantly predicted knowledge about diabetes for Caucasians ($\beta = .15, p \leq .001$, Table 8) and African Americans ($\beta = .13, p \leq .01$, Table 8). Local television use was not significant for either sample, even though the

independent-samples *t* test shows that African Americans watched and attended to local television news significantly more than did Caucasians.

To see whether both personal relevance and attention to the news media would have an independent effect on knowledge about diabetes (Hypothesis 6), we ran two hierarchical multivariate regressions, one with the medium being newspaper (Table 9) and the other being local television (Table 10). With the demographic variables including having health insurance coverage and religious beliefs controlled, attention to newspaper, not newspaper use, continued to predict the dependent variable for African Americans (β = .19, $p \leq .001$, Table 9) and Caucasians (β = .12, $p \leq .001$, Table 9). Simultaneously, personal relevance was a significant factor in predicting knowledge about diabetes for Caucasians (β = .22, $p \leq .001$, Table 9) and African Americans (β = .19, $p \leq .001$, Table 9).

Similar evidence was found for local television news. As can be seen in Table 10, the significance of attention to local television in predicting knowledge about diabetes remained unchanged for Caucasians (β = .14, $p \leq .001$, compared to β = .15, $p \leq .001$ in Table 8), when personal relevance was present in the full model. As for African Americans, attention to local television was significant (β = .12, $p \leq .05$), compared to β = .13 $p \leq .01$ in Table 8 where personal relevance was not present. In the meantime, personal relevance continued to be a significant factor for African Americans (β = .19, $p \leq .001$) as well as for Caucasians (β = .22, $p \leq .001$). Therefore, Hypothesis 6 was well supported.

Among the demographic and control variables used in the analysis, age was an independent predictor of knowledge about diabetes for African Americans (β = -.15, $p \leq$ .01, Table 9 and β = -.15, $p \leq .01$, Table 10) and Caucasians (β = -.11, $p \leq .001$, Table 9 and β = -.08, $p \leq .01$, Table 10) in the full equation, suggesting that younger adults are more

knowledgeable than are older adults. Education had an independent and positive impact on Caucasians' knowledge about diabetes ($\beta = .08, p \leq .01$, Table 9 and $\beta = .08, p \leq .01$, Table 10), but did not predict African Americans'. Income was positively related to knowledge about diabetes for Caucasians ($\beta = .06, p \leq .05$, Table 10) in the full equation in which the effect of local television news was examined; it was not a factor when the impact of newspaper was assessed (Table 7). Nor was it significant for African Americans in the two full equations. No significant impact for gender, religious beliefs, and having health insurance coverage on knowledge about diabetes was evident when the dependent variable was fully predicted.

Discussion

The purpose of the study was to examine the effects of newspapers and local television news on knowledge about diabetes at the presence of personal relevance of diabetes in African Americans and Caucasians. Based on the data analysis, we feel it is necessary to modify the original model to 1) better reflect what we have found in this study, and 2) point to an appropriate direction for future research. Our revised model is illustrated in Figure 2. As can be seen, the only change we made is that the word of "exposure" in Figure 1 is no longer present in the revised figure.

The present data confirm that news media are important sources of health information for development of health knowledge (e.g., Wallack, 1990). This media impact was evident as there was a direct effect of newspaper use (for Caucasians but not for African Americans, Table 7) and attention to both newspaper and local television news (for both groups, Tables 7 and 8) on knowledge about diabetes, when the demographic and other variables were controlled. When the factor of personal relevance was considered,

attention to the news media continued to be significantly high in both samples (Tables 9 and 10), suggesting that there is useful health information in the news media that satisfy the public's informational needs. This provides support for the argument that media coverage of public health helps to increase awareness and knowledge about health issues (Rimal et al., 1999; Wallack, 1990).

Attending to health information has long been viewed as an important preliminary step to behavior changes (Bull et al., 2001). It is clearly demonstrated in the study that attention to news media is an influential variable in estimating media effects on issues related to public health. Overall, attention to newspaper coverage of health care accounted for a significant 2.0% of the total variance of 4.9% in the Caucasian sample, and a significant 4.0% of the total variance of 6.3% in the African American sample, respectively, significantly more than the contribution of the measure of newspaper use (Table 7). The same is true for the significant contribution of attention to local television health care coverage as displayed in Table 8. With the presence of the personal relevance of diabetes, attention to the two news media remained significant in predicting knowledge about diabetes for both African Americans and Caucasians (Tables 9 and 10). This further demonstrates the strength of measurement of attention as an influential variable than exposure in media effect studies, as it is less likely confounded with individual differences in other measures than exposure is (Chaffee & Schleuder, 1986).

The application of the ELM in a health communication design like the current study illustrates the usefulness of attention in addition to exposure when personal relevance is considered in the research design. As implied by the ELM, attention to an illness or a severe disease is highly correlated to a person's experience with the illness or disease. The

fact that both personal relevance and attention to both newspaper and local television coverage of health care were simultaneously significant in predicting our dependent variable in both samples suggests that personal relevance of an issue and attention need to be equally considered in studies that examine the effects of news media on attitudes, knowledge, and behaviors related to public health. In so doing, measurement of attention in addition to exposure will help researchers better understand the effects of news media than using exposure alone (Chaffee & Schleuder, 1986; McLeod & McDonald, 1985).

The present study also shows that both African Americans and Caucasians were identical in attending to newspaper and local television coverage of health care issues to gain knowledge about diabetes, when demographic measures and variables of having healthcare coverage and religious beliefs were controlled. In fact, without the statistical controls, African Americans paid significantly more attention to local television coverage than did their counterparts, as shown in the independent-samples *t* test. Although we did not specify in the design whether the African Americans were using the mainstream media or consuming Black-owned media products, the fact that the proposed model applied equally well to both groups suggests that African Americans, in using the news media for health-related information, may not always demonstrate the same attitudes and behaviors as found in dealing with coverage of racially charged issues and controversial African American leaders in the literature.

Compared to some previous ELM research (e.g., Roser, 1990) which was a pretest-posttest 2 x 2 factorial design, the strength of the inference of causality is enhanced in this study through the use of hierarchical multiple regression analyses that took into consideration impacts of demographic variables as well as of control measures such as

having health insurance coverage and religious beliefs on knowledge about diabetes. In addition, we used individual measures for attention and exposure within medium and entered them in the regression equations in separate blocks (Rimal et al., 1999), rather than combining them across different media as used in some previous research (e.g. Eveland & Scheufele, 2000; Eveland, 2001). This makes it possible to assess the incremental contributions added by attention and exposure individually and to truly identify the unique effects of newspapers and local television news on predicting attitudes, knowledge, and behaviors in health communication studies.

In closing, the present study shows that both African Americans and Caucasians not only seek health information but, more importantly, pay attention to the content of information in the news media, particularly when the information has a high personal relevance or meaning to themselves and those who are close to them. News media, either print or electronic, are effective channels of communication for dissemination of useful information including public health campaign messages and findings of medical research. Understanding the role of news media will enable researchers, policy makers, and health practitioners to design effective strategies to communicate with the American public for development of appropriate health behaviors.

Another implication of the study is that, in developing effective social marketing or public health campaigns, it is important to make the messages or themes of the campaigns relevant and meaningful to the individual needs and concerns in both African American and Caucasian communities. Apparently, people pay more attention to the issue-relevant information of a message when they think the issue is of high personal relevance or importance to them than when it has less or no relevance at all. For example, if health is

believed to be of top priority in their lives, people are more likely to take the central route to process health-related information either from the news media or through media campaigns, and their attention to the information will consequently result in enduring gains in knowledge and changes in attitudes that lead to healthy behaviors.

Limitations

Cross-sectional data like the present study only allow a limited range of inferences about the relation in question, because they usually display the produce of a single analytic window that may or may not be representative of the relation over time. Here we are unable to tell whether the knowledge about diabetes examined in the study was formed before or after people were exposed to the news media. A longitudinal design would certainly enhance the directions of causality. In addition, a national and more representative sample would improve the generalizability of research findings in predicting knowledge of health information conveyed in the news.

We recognize that the Cronbach's alpha value for the scale of knowledge about diabetes was sufficiently high for the African American sample (alpha = 0.75) but not for the Caucasian sample (alpha = 0.65). Although the index consisted of six question items, there could be other components of knowledge about diabetes that we were not aware of when the study was designed. In addition, it is likely that the low reliability could influence the estimation of the standardized regression coefficients reported in this study.

Even though attention to newspaper health care stories was a strong predictor of knowledge about diabetes for both African Americans and Caucasians, we are unable to know whether the newspaper referred to a national or local one, and whether the newspaper had an orientation toward African American readers or not, since those

measures were not available in the present design. To better understand the effect of newspapers on health knowledge, future research should include specific measures for various types, orientations, and health-related contents of newspapers. Reading a particular health column, for instance, was significantly related to health information seeking and interpersonal communication about health issues (Rimal et al., 1999).

Notes

1. In this study, diabetes refers to Type 2 diabetes, previously known as non-insulin-dependent diabetes mellitus (NIDDM) or adult-onset diabetes (CDC, 1999). Type 2 diabetes may account for about 90% to 95% of all diagnosed cases of diabetes.

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Appendix
Question Wording & Scale of Measurement

Index of knowledge about diabetes (6 items)

In general, I believe that healthcare professionals who treat people with diabetes should be trained to communicate well with their patients.
Diet and blood sugar control are very important in the care of a diabetic patient.
Diabetic patients must control their weights.
Regular exercise is important for diabetic patients to take care of themselves.
People with diabetes should not smoke cigarettes or cigars.
In addition to doctors, nurses and dieticians are needed to provide good care for persons with diabetes.
Coded as 1 (strongly disagree), 2 (disagree), 3 (neutral), 4 (agree), and 5 (strongly agree).

Index of personal relevance of diabetes (4 items)

Have you been diagnosed to have diabetes disease?
Coded as yes = 1, no = 0.
Do any other members of your immediate family have diabetes?
Coded as yes = 1, no = 0.
I personally know people in my community who have amputations because of diabetes.
Coded as 1 (strongly disagree), 2 (disagree), 3 (neutral), 4 (agree), and 5 (strongly agree).
I know people who have been told they are diabetic but do not take care of themselves.
Coded as 1 (strongly disagree), 2 (disagree), 3 (neutral), 4 (agree), and 5 (strongly agree).

Exposure to newspaper and local television news in the evenings (2 items)

How many days in a week do you read a newspaper?
How many days in a week do you usually watch local television news in the evenings?
Coded between 1 and 7 days in a week.

Attention to newspaper and local television coverage of health care (2 items)

How much attention do you pay to stories about health care in the newspaper?
How much attention do you pay to stories about health care on the television news?
Coded as 1 (none), 2 (a little), 3 (some), and 4 (a lot).

Demographic/Control variables (6 items)

Age. Years of age between 18 and 91.
Gender. Coded as male = 1, female = 0.
Education. Coded as 1 (less than high school), 2 (high school), 3 (some college), 4 (college degree), and 5 (graduate degree).

Income. Coded as 1 (less than $10,000), 2 (at least $10,000 but under $25,000), 3 (at least $25,000 but under $50,000), 4 (at least $50,000 but under $75,000), 5 (at least $75,000 but under $100,000), 6 (at least $100,000 but under $150,000), and 7 ($150,000 or more).

Would you say you are very religious, somewhat religious, slightly religious, or not very religious? Coded as 1 (not very religious), 2 (slightly religious), 3 (somewhat religious), and 4 (very religious).

Do you have any kind of healthcare coverage, including health insurance, prepaid plans such as HMOs, or government plans such as Medicare or Medicaid? Coded as yes = 1, no = 0.

TABLE 1 Descriptive Statistics for All Variables Used in the Analysis

Variables	Caucasians (n=1,219) Mean	s.d.	Range	African Americans (n=387) Mean	s.d.	Range
Demographics						
Age	47.49	18.07	18-91	48.34	18.26	18-91
Gender [a]	.45	.50	0-1	.42	.48	0-1
Education	2.99	1.17	1-5	2.53	1.03	1-5
Income	3.17	1.36	1-7	2.52	1.12	1-7
Religious beliefs	3.07	.92	1-4	3.23	.86	1-4
Having healthcare coverage [b]	.91	.29	0-1	.87	.34	0-1
Exposure & attention to newspaper & local TV news						
Days to read newspaper in a week	3.83	2.89	0-7	2.92	2.67	0-7
Days to watch local TV news in the evenings in a week	4.40	2.57	0-7	5.32	2.39	0-7
Attention to newspaper healthcare coverage	2.99	.88	1-4	3.09	.97	1-4
Attention to local TV healthcare coverage	3.17	.82	1-4	3.41	.80	1-4
Knowledge about diabetes						
Healthcare professionals who treat people with diabetes should be trained to communicate with patients	4.87	.41	1-5	4.87	.48	1-5
Diet and blood sugar control are very important in the care of a diabetic patient	4.90	.37	1-5	4.91	.39	1-5
Diabetic patients must control their weights	4.79	.51	1-5	4.85	.50	1-5
Regular exercise is important for diabetic patients to take care of themselves	4.82	.43	1-5	4.82	.57	1-5
People with diabetes should not smoke cigarettes and cigars	4.68	.78	1-5	4.71	.80	1-5
Nurses and dieticians are needed to provide good care for persons with diabetes	4.67	.66	1-5	4.70	.80	1-5
Personal relevance of diabetes						
Having diagnosed to have diabetes disease [c]	.09	.29	0-1	.19	.39	0-1
Having family members with diabetes [d]	.32	.47	0-1	.45	.50	0-1
Knowing people who have amputations	3.00	1.71	1-5	3.15	1.74	1-5
Knowing people who are diabetic	3.84	1.47	1-5	4.00	1.48	1-5

Note. a. male = 1, female = 0. b, c, and d, yes = 1, no = 0.

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TABLE 2
Hierarchical Multiple Regression Assessing the Relationship Exposure to Media Coverage of Healthcare and Personal Relevance of Diabetes (Medium = Newspaper)

	Caucasians Newspaper Use (n = 1,219)	African Americans Newspaper Use (n = 387)
Step 1		
Age	0.35***	0.16**
Gender [a]	0.03	0.10*
Education	0.06*	0.11*
Income	0.21***	0.13**
Religious beliefs	-0.01	0.08
Having healthcare coverage [b]	0.02	-0.01
Incremental R^2 (%)	17.7***	8.2***
Step 2		
Personal relevance of diabetes	0.05	-0.02
Incremental R^2 (%)	0.2	0.0
Total R^2 (%)	17.9	8.2

Note. a. male = 1, female = 0. b. yes = 1, no = 0.
Entries are standardized beta coefficients. $*p \leq .05$. $**p \leq .01$. $***p \leq .001$.

TABLE 3
Hierarchical Multiple Regression Assessing the Relationship Attention to Media Coverage of Healthcare and Personal Relevance of Diabetes (Medium = Newspaper)

	Caucasians Attention to Newspaper (n = 1,219)	African Americans Attention to Newspaper (n = 387)
Step 1		
Age	0.15***	0.12*
Gender [a]	-0.18***	-0.11*
Education	0.08**	0.08
Income	0.04	0.04
Religious beliefs	0.02	0.11*
Having healthcare coverage [b]	-0.06	0.04
Incremental R^2 (%)	7.0***	5.2**
Step 2		
Personal relevance of diabetes	0.10***	0.09
Incremental R^2 (%)	1.0***	0.7
Total R^2 (%)	8.0	5.9

Note. a. male = 1, female = 0. b. yes = 1, no = 0.
Entries are standardized beta coefficients. $*p \leq .05$. $**p \leq .01$. $***p \leq .001$.

TABLE 4
Hierarchical Multiple Regression Assessing the Relationship Exposure to Media Coverage of Healthcare and Personal Relevance of Diabetes (Medium = Local TV)

	Caucasians Local TV Use (n = 1,219)	African Americans Local TV Use (n = 387)
Step 1		
Age	0.31***	0.29***
Gender [a]	-0.01	0.05
Education	-0.08**	-0.01
Income	0.00	-0.05
Religious beliefs	0.06*	0.01
Having healthcare coverage [b]	0.03	0.01
Incremental R^2 (%)	12.7***	9.6***
Step 2		
Personal relevance of diabetes	0.07*	0.09*
Incremental R^2 (%)	0.5*	0.8*
Total R^2 (%)	13.1	10.4

Note. a. male = 1, female = 0. b. yes = 1, no = 0.
Entries are standardized beta coefficients. $^*p \leq .05$. $^{**}p \leq .01$. $^{***}p \leq .001$.

TABLE 5
Hierarchical Multiple Regression Assessing the Relationship Attention to Media Coverage of Healthcare and Personal Relevance of Diabetes (Medium = Local TV)

	Caucasians Attention to Local TV (n = 1,219)	African Americans Attention to Local TV (n = 387)
Step 1		
Age	0.05	0.02
Gender [a]	-0.14***	-0.09
Education	0.07*	0.14**
Income	-0.02	0.00
Religious beliefs	0.04	0.13**
Having healthcare coverage [b]	-0.05	-0.01
Incremental R^2 (%)	3.3***	4.7**
Step 2		
Personal relevance of diabetes	0.7**	0.08
Incremental R^2 (%)	0.5**	0.6
Total R^2 (%)	3.8	5.3

Note. a. male = 1, female = 0. b. yes = 1, no = 0.
Entries are standardized beta coefficients. $^*p \leq .05$. $^{**}p \leq .01$. $^{***}p \leq .001$.

TABLE 6
Hierarchical Multiple Regression Assessing the Relationship Between Knowledge about Diabetes and Personal Relevance of Diabetes

	Caucasians Knowledge about Diabetes (n = 1,219)	African Americans Knowledge about Diabetes (n = 387)
Step 1		
Age	-0.07*	-0.13*
Gender [a]	-0.06*	-0.04
Education	0.09**	-0.03
Income	0.06	0.06
Religious beliefs	0.03	-0.02
Having healthcare coverage [b]	0.03	-0.04
Incremental R^2 (%)	2.5***	2.2
Step 2		
Personal relevance of diabetes	0.23***	0.20***
Incremental R^2 (%)	5.3***	4.1***
Total R^2 (%)	7.8	6.3

Note. a. male = 1, female = 0. b. yes = 1, no = 0.
Entries are standardized beta coefficients.
*$p \leq .05$. **$p \leq .01$. ***$p \leq .001$.

TABLE 7
Hierarchical Multiple Regression Assessing the Relationship Between Knowledge About Diabetes and Exposure & Attention to Media Coverage of Healthcare (Medium = Newspaper)

	Caucasians Knowledge about Diabetes (n = 1,219)	African Americans Knowledge about Diabetes (n = 387)
Step 1		
Age	-0.10***	-0.14**
Gender [a]	-0.06*	-0.02
Education	0.07*	-0.05
Income	0.03	0.06
Religious beliefs	0.04	-0.03
Having healthcare coverage [b]	0.04	-0.06
Incremental R^2 (%)	2.5***	2.2
Step 2		
Newspaper use	0.06*	-0.03
Incremental R^2 (%)	0.5*	0.0
Step 3		
Attention to newspaper healthcare coverage	0.15***	0.21***
Incremental R^2 (%)	2.0***	4.0***
Total R^2 (%)	4.9	6.3

Note. a. male = 1, female = 0. b. yes = 1, no = 0.
Entries are standardized beta coefficients. $*p \leq .05$. $**p \leq .01$. $***p \leq .001$.

TABLE 8
Hierarchical Multiple Regression Assessing the Relationship Between Knowledge About Diabetes and Exposure & Attention to Media Coverage of Healthcare (Medium = Local TV)

	Caucasians Knowledge about Diabetes (n = 1,219)	African Americans Knowledge about Diabetes (n = 387)
Step 1		
Age	-0.07*	-0.14**
Gender [a]	-0.07*	-0.04
Education	0.08**	-0.05
Income	0.05	0.06
Religious beliefs	0.04	-0.03
Having healthcare coverage [b]	0.04	-0.05
Incremental R^2 (%)	2.5***	2.2
Step 2		
Local TV news use	-0.03	0.07
Incremental R^2 (%)	0.2	0.8
Step 3		
Attention to local TV healthcare coverage	0.15***	0.13**
Incremental R^2 (%)	2.2***	1.6**
Total R^2 (%)	4.8	4.6

Note. a. male = 1, female = 0. b. yes = 1, no = 0.
Entries are standardized beta coefficients. $*p \leq .05$. $**p \leq .01$. $***p \leq .001$.

TABLE 9 Full Regression Equation Predicting Knowledge about Diabetes (Medium = Newspaper)

	Caucasians Knowledge about Diabetes (n = 1,219)	African Americans Knowledge about Diabetes (n = 387)
Step 1		
Age	-0.11***	-0.15**
Gender [a]	-0.04	-0.02
Education	0.08**	-0.05
Income	0.04	0.06
Religious beliefs	0.03	-0.04
Having healthcare coverage [b]	0.04	-0.05
Incremental R^2 (%)	2.5***	2.2
Step 2		
Newspaper use	0.05	-0.02
Incremental R^2 (%)	0.3*	0.0
Step 3		
Attention to newspaper healthcare coverage	0.12***	0.19***
Incremental R^2 (%)	2.0***	4.0***
Step 4		
Personal relevance of diabetes	0.22***	0.19***
Incremental R^2 (%)	4.5***	3.5***
Total R^2 (%)	9.5	9.7

Note. a. male = 1, female = 0. b. yes = 1, no = 0.
Entries are standardized beta coefficients. *$p \leq .05$. **$p \leq .01$. ***$p \leq .001$.

TABLE 10 Full Regression Equation Predicting Knowledge about Diabetes (Medium = Local TV)

	Caucasians Knowledge about Diabetes (n = 1,219)	African Americans Knowledge about Diabetes (n = 387)
Step 1		
Age	-0.08**	-0.15**
Gender [a]	-0.04	-0.03
Education	0.08**	-0.05
Income	0.06*	0.07
Religious beliefs	0.03	-0.04
Having healthcare coverage [b]	0.04	-0.04
Incremental R^2 (%)	2.5***	2.2
Step 2		
Local TV news use	0.01	0.05
Incremental R^2 (%)	0.2	0.8
Step 3		
Attention to local TV healthcare coverage	0.14***	0.12*
Incremental R^2 (%)	2.2***	1.6*
Step 2		
Personal relevance of diabetes	0.22***	0.19***
Incremental R^2 (%)	4.8***	3.5***
Total R^2 (%)	9.6	8.1

Note. a. male = 1, female = 0. b. yes = 1, no = 0.
Entries are standardized beta coefficients. *$p \leq .05$. **$p \leq .01$. ***$p \leq .001$.

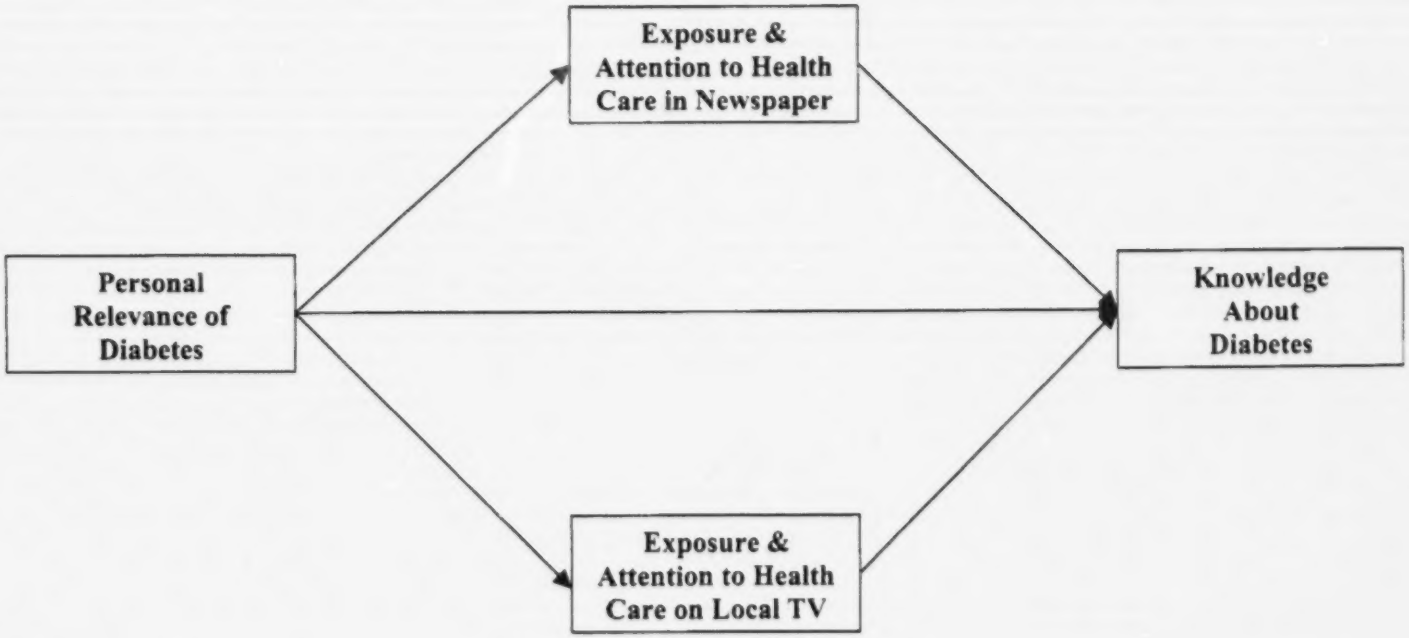
Exposure & Attention to Health Care in Newspaper
Personal Relevance of Diabetes
Knowledge About Diabetes
Exposure & Attention to Health Care on Local TV

Figure 1 An ELM of Effects of News Media & Personal Relevance on Knowledge about Diabetes
Note. Control variables are not depicted.

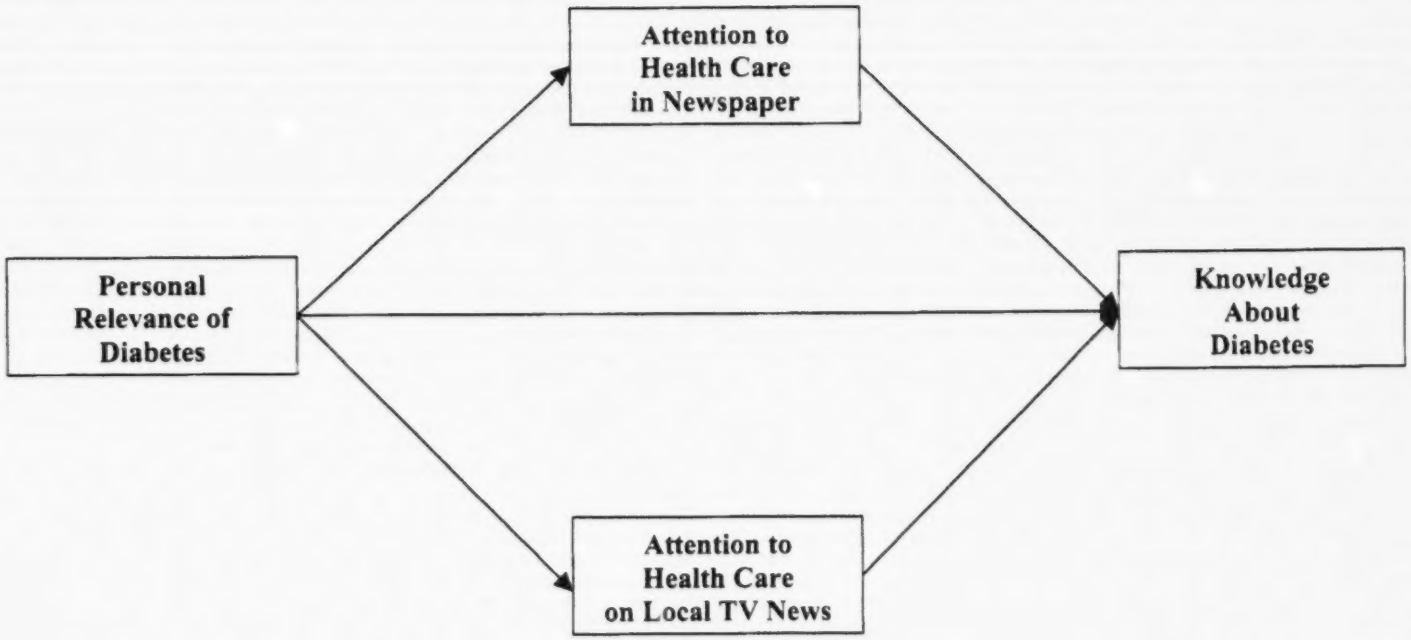

Figure 2 Revised ELM of Effects of News Media & Personal Relevance on Knowledge about Diabetes
Note. Control variables are not depicted.

The Fighting Whites Phenomenon:

Toward an Understanding of the Media's Coverage

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Abstract

The Fighting Whites, an intramural basketball team at the University of Northern Colorado, inspired a media frenzy during March 2002. Their name and mascot, a caricature of a Caucasian man, was an attempt to shed light on what many people considered a racist mascot in a nearby high school. Through interviews, this paper seeks to understand the media coverage afforded the team.

The Fighting Whites Phenomenon: Toward an Understanding of the Media's Coverage

The Fighting Whites, an intramural basketball team at the University of Northern Colorado, inspired a media frenzy during March 2002. Their name and mascot, a caricature of a Caucasian man, was an attempt to shed light on what many people considered a racist mascot at a nearby high school. The team made national and international headlines and eventually donated $100,000 to the university's scholarship fund. This paper seeks to understand the media coverage afforded the team. To do this, the author conducted interviews with key players, including journalists, team members, and those involved in the struggle to eliminate Native American mascots.

Literature Review

Native American Mascots

Several researchers have concluded that the use of Native Americans as mascots misuses religious symbols, stereotypes all Native tribes by erasing their differences, and misrepresents the United States' past by casting Natives as aggressive warriors (Davis, 1993; King & Springwood, 2000). Berkhofer (1978) writes that whites were able to classify all Natives into a stereotype because they had the power to do so. King and Springwood use this type of reasoning in their discussion of the Florida State University Seminole mascot. Florida State University adopted the Seminole as its mascot long before the first Native Americans graduated from the school in the 1990s (King & Springwood, 2000). Non-native fans who dress up in paint and feathers to "play Indian" display their power over Native Americans and keep stereotypes alive (King &

Springwood, 2000). Charlene Teeters, the former University of Illinois graduate student who began protesting the school's Chief Illiniwek mascot in 1992, sees the mascot as a symbol of control by white leaders (Rosenstein, 1997).

Cyd Crue of the National Coalition on Racism in Sports and the Media cited the seeming hypocrisy of allowing anti-Native American displays while punishing when used against other groups. He uses the example of the Stanford University band, which was disciplined when members dressed up as nuns for a halftime show at the University of Notre Dame, a catholic institution. As Crue says: "When we see people dressed up in black-face now, it's no longer acceptable. Why is it acceptable to dress up in red-face? This is nothing more than a red-face minstrel show. This does not honor Native Americans. It honors the White people. It's 'We won and we conquered this continent and we can use your image as we see fit'" (Hawes, 2001.)

Davis (1993) examined protests and conferences that took place during Major League Baseball's World Series and the National Football League's Super Bowl, both held in Minnesota's Twin Cities in the early 1990s. According to local police, 500 people protested at the 1991 World Series pitting the Atlanta Braves against the Minnesota Twins, and 3,000 protested at the 1992 Super Bowl, which featured the Washington Redskins versus the Buffalo Bills. The protest at the Super Bowl, Davis says, was the largest Native American protest since the takeover of Wounded Knee in 1973.

Davis also describes a backlash against activists who seek an end to the use of mascots. "This backlash is fueled by a pro-colonialist, ethnocentric, Western bias, where America is defined as a melting pot, but a melting pot where everyone must conform to

Western and Christian culture because this culture is considered superior" (Davis, 1993, p. 19).

The Media's Coverage of Native Americans

In her examination of the media's coverage of Native Americans during the 20th century, Weston (1996) says two images of Native Americans have survived since the 17th century: the good Indian and the bad Indian. The "good Indian," or noble savage, is friendly, handsome, dignified and close to nature, while the "bad Indian" embodies those traits that Europeans feared most: nakedness, promiscuousness, and brutality (Weston). Until the 1960s, she writes, Native Americans were depicted in the media as stereotypically "good" or "bad" Indians, never as complex individuals. Furthermore, she writes, their lives were never portrayed in the proper context, which helped perpetuate stereotypes. For most of the early decades of the 20th century, Native Americans were talked about.

The 1960s and '70s were a turning point in the coverage of Native American issues as Native Americans began to tell stories about their lives in major publications (Weston, 1996; Rosenstein, 1997). The media's images of the 1960s and '70s, however, were merely updated stereotypes (Weston, 1996; Koster, 1976). Koster (1976) says coverage of 1970s incidents like Wounded Knee and Pine Ridge only reinforced stereotypes. Koster blames this stereotypical coverage on ignorance and laziness. Journalists, he says, don't know much about the issues and don't take the time to learn (Koster, 1976). Weston (1996) writes that the conventions of journalism help reinforce stereotypes. These conventions include story selection, organization, headlines, and lack of context.

While the images of native Americans in the news multiplied in the 1980s and '90s, the old stereotypes continued. More Native Americans talked back to the press during this time, however, and they made their views heard (Weston, 1996). Weston describes an even bigger shift in the coverage between 1989 and 1992. The press' portrayal of the protest against the University of Illinois' mascot showed Native American activists as oddballs who were spoken for by non-Native students (Weston). Weston adds that the arguments of the other side received more detailed coverage. Most of the coverage, she says, described Native Americans as mascots, not as people (Weston.) A change occurred in the coverage of professional teams' use of mascots in 1991 and 1992. Native Americans were now portrayed as legitimate leaders who spoke for themselves. This helped make the protestors' cause legitimate (Weston).

In her examination of protests at the Super Bowl and World Series, Davis interviewed Native American activists about the media's coverage of the mascot issue. Natives who protest the use of mascots are often asked why they don't focus on more important issues, like poverty and health. Davis writes that the Native activists she talked with answered that the issues are connected. There is another reason, though. "It was noted that when the activists work on those other issues they do not receive such good media coverage" (Davis, 1993, p. 14).

Some media outlets have taken a more active approach to the issue, refusing to publish racist nicknames or logos. Lincoln (Neb.) Journal Star editor Kathleen Rutledge said the decision to drop stereotypical images and nicknames was made "out of respect for Native people. Plain and simple" (Rutledge, 2003). She added that the Native American Journalists Association asked media outlets to eliminate the use of Native

American mascots and logos (Rutledge, 2003). Other newspapers that have adopted policies that limit or eliminate the use of Native nicknames and logos include the The Portland Oregonian, Minneapolis Star Tribune, St. Cloud (Minn.) Times, Portland (Maine) Press Herald and Kansas City Star (Rutledge, 2003).

Coleman (1992) writes that Native Americans must fight to rid society of racist mascots, just like African-Americans worked to eliminate "pickaninnies." She adds that Native Americans must define their own important issues, instead of allowing the press to do it for them (Coleman, 1992). As Rutledge (2003) writes, "Many sports mascots were adopted at a time in this country when Native people had no voice. Now they have a voice." That voice includes people like the Fighting Whites.

History of the Fighting Whites

The story of the Fighting Whites begins in Eaton, Colo., a small town about six miles north of Greeley, which is the home of the University of Northern Colorado. In 2000, a group of activists led by UNC doctoral student Dan Ninham, a member of the Oneida tribe, began pressing Eaton High School to drop its mascot, which many consider racist. The mascot features a caricature of a Native American with a misshapen nose, an eagle feather and a loincloth. (see figure 1) Ninham and Francie Murry, an associate professor at UNC, started a group called Coloradoans Against Ethnic Stereotyping in Colorado Schools. The group presented its case to the Eaton School Board, which decided not to drop the mascot and refused subsequent invitations to meet with the activists.

The Fighting Whites came into existence when a group of students and staff members at the University of Northern Colorado signed up to play intramural basketball under the name Native Pride. Scott VanLoo, director of the university's Cesar Chavez cultural center, came up with the name Fighting Whites. VanLoo, who is of Lebanese and Dutch descent, said he was frustrated by the fact that the Eaton School Board had dismissed the activists' pleas so easily. As VanLoo remembered:

> It seemed like they were doin' everything by the book. They were following all the protocol and rules, if you will, of the district. They had first, they had gone to the principal. They didn't get anywhere there. They went to the superintendent. They didn't get anywhere there. They went to the school board. And after a while, they finally got like five minutes of presentation time at the school board meeting. They went before an all-white male school board, did their presentation, and they kept getting this kind of "thanks but no thanks."
>
> ... So by that time, I was really frustrated. I'm not really a proponent of sinking to one's level to engage in a dialogue. But I thought, you know, I'm tired. I'm tired. I've been doin' diversity work not that long, three or four years, but it just is tiring to keep having to educate people and say the same things over, and see the same things. Especially in this community.

VanLoo took a satirical approach, converting Eaton's Fighting Reds to the Fighting Whites. He added a clip art image of a white man with slicked back hair and a necktie, and the mascot was born. (see figure 2) Although he invited several media outlets to the team's first game, VanLoo said no one showed up. The first article ran on Wednesday, March 6, on page 2 of UNC's student newspaper, The Mirror. Four days later, a story ran in the local paper, the Greeley Tribune, also on page 2. During the next two weeks, the Fighting Whites were an international phenomenon, with coverage by The New York Times, Los Angeles Times, San Francisco Chronicle, The (Toledo, Ohio) Blade, CNN, the Today Show, and National Public Radio's All Things Considered, to name a few. Jay Leno joked about the team during his monologue on The Tonight Show.

Team members appeared on Fox's Best Damn Sports Show Period, and Rush Limbaugh mentioned the story. Team member Solomon Little Owl, UNC's director of Native American Student Services, received hundreds of calls and e-mails from media outlets as far away as Canada, Japan, England, and Australia. He said he talked to at least 50 radio stations. Outlets like NBC news, Fox Sports Net and CNN visited the Native American Student Services center, a small house located in the center of the campus. Little Owl remembers:

> It hit the fan for that two-week span. We had … I mean we had crazy people. Reporters, news, radio. They were comin' in, comin' out, goin'. We just had people coming in just to see what it was like. Like a zoo…. People just come in, sit, have coffee and just observe. Some people would come in and they were photographers, so they would take pictures.

So many people wanted to purchase shirts featuring the Fighting Whites logo that the team set up a non-profit company and began selling merchandise online. The company was so successful that in January 2003, the team presented a check for $100,000 to the University of Northern Colorado. The money will help fund minority scholarships at the school.

Methodology

This paper uses unstructured interviews to understand how key players interpreted the media's coverage of the Fighting Whites. Unstructured interviews, which are commonly used in qualitative research, provide more depth than structured or group interviews (Fontana & Frey, 1994). Unstructured interviews are more like conversations, allowing for follow-up questions and clarification.

Seven people were interviewed. The journalists included Alicia Gallegos, who broke the story in the campus newspaper, The Mirror; Julio Ochoa, who covered the story for the town newspaper, the Greeley Tribune; and Chris Cobler, editor of the Greeley Tribune. Before the story about the Fighting Whites broke, the Tribune's sports section published an award-winning series on the Eaton mascot controversy and other mascot issues around the nation. Ochoa was not involved in that series. Also interviewed was Ken McConnellogue, then the university's media relations director and now interim vice president for university affairs. McConnellogue has been with the university for 10 years, before which he worked as a reporter at the Tribune. Two members of the Fighting Whites were interviewed: Solomon Little Owl, the university's director of Native American Student Services, and Scott VanLoo, the director of the school's Hispanic culture center. One representative of the Coalition to End Racist Stereotyping in Colorado Schools was interviewed. Beth Franklin is a professor at the University of Northern Colorado. The author conducted all the interviews during February and March of 2003, nearly a year after the Fighting Whites story broke. Cobler's interview was the only one done by e-mail. The others, which lasted from 30 to 75 minutes, were conducted in person and tape recorded, then transcribed by the author.

Interviewing people who were involved in the issue in different ways allowed for a better understanding of the phenomena at play. This use of triangulation, or multiple methods of data collection, makes the findings more thorough (Denzin, 1970). Triangulation also was achieved through a three-step interpretation process: Interpretation occurred during the interviews, during transcription, and during the reading

of interview transcripts. The interpretive process focused on a search for patterns among the interviews.

As a supplement to the interviews, the author also read articles about the team online, in print and in scrapbooks kept by team members. One team member provided a folder full of e-mails he received about the team. He also provided phone message slips recording calls received during the media onslaught. These were helpful in understanding the impact that the media had on the team. This paper is not, however, an analysis of the media's coverage.

As is common in qualitative research, I have made no attempt to be totally objective in my researching or writing (Fine, 1994; Maxwell, 1996). As Fleischman (1998) says, ethnographers must bring themselves into the text. According to Sultana (1995), researchers err when they attempt to remove themselves from their investigations. "It is because the researcher edits himself/herself out of the text that we often get so little information on such details as the researcher's expectations and presuppositions, or the surprises that were encountered in the field" (Sultana, pp. 116-117). Therefore, I feel it is important to explain my background and my opinion on the subject of mascots like the one used by the Eaton Reds. I am a white woman whose relatives came to the United States from Eastern Europe. For most of my life, I took nicknames like Redskins and Indians for granted. In my eight years as sports journalist, I never thought of not running certain logos or team names. It never occurred to me. It was not until graduate school, when I began studying feminist theory and looking at sexism and racism in language, that I started to take the issue of mascots seriously. I followed the story of the Fighting Whites closely, and when a symposium was held on the subject at my university, I successfully

proposed that my department help sponsor the event. At the symposium, I served as moderator for a panel on the media's coverage of the issue. I included a section on mascots in a class on sports journalism during the summer of 2002. I now support efforts to eliminate racist or derogatory mascots and nicknames from sports teams. I hope this information helps readers formulate their own interpretations of this paper.

Being involved in the phenomenon under study can have its advantages. My familiarity with the mascot issue, and with the local print media, helped me gain a rapport with the people I interviewed. It is important to establish rapport with participants in order to see the issue from their perspective (Fontana & Frey, 1994). Before conducting the interviews, I had worked with all of the participants except the Greeley Tribune reporter and the director of the Hispanic cultural center. I did, however, have a good relationship with the Tribune's editor and had sent several students to work at the paper.

In order to give more voice to those interviewed, I have presented their words in an indented, single-spaced format usually reserved for longer quotes. Because so much of qualitative work is interpretive, however, I wanted to make the participants' voices stand out.

Findings

Three patterns emerged from the interviews. The first involved the general public's reaction to the media's coverage of the Fighting Whites. The second involved the way the media covered the team. The third involved the effects the media's coverage had on the mascot issue itself.

The Public's Reaction

There were generally three reactions to the media's coverage of the Fighting Whites. Some people, from all ethnicities, saw the satire in the idea and embraced the cause, buying merchandise and sending congratulations via telephone or e-mail. Others, including some Native Americans, reacted negatively and called it a waste of time. Many sent e-mails urging the team to stop focusing on mascots and begin focusing on more important issues. Many of these e-mails were several pages long. A third group, made up primarily of whites, embraced the team as a symbol of white pride.

McConnellogue, the university's spokesperson during the media frenzy, explained:

> I think white people responded in two ways, you know. Some thought it was a serious thing and it was kind of a "it's about time that we have a white guy for a mascot." Some got the humor in it. I would say most got the humor in it. Some were angry about it.

As for why some people just didn't get it, McConnellogue offered this:

> I just put it down to bein' crackers. I don't know what else to say. I think that there are people out there who feel that, you know, being Caucasian now, you're under attack. However silly that is.

Some of the reactions were more scary than silly, as VanLoo remembered:

> Solomon, he got the majority of those coming in on his e-mail. It was funny, too. [laughs] I think one time, he called me up. He goes, "Hey, I just got this e-mail from this guy in South Texas who wants to invite us down there and take us on his boat. Spend some time on the beach." And I was like "Solomon, we're not goin' to South Texas [laughs] on an e-mail invitation to go spend any time with anybody. I mean, that's a setup to get murdered or something, I don't know." We only got a few. We did get a few e-mails back from people who bought shirts and they said "We thought this was some white power thing or white pride thing. Now I hear that this damn T-shirt's goin' towards..." So we got a little bit of that.

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The white pride reaction forced the Fighting Whites to react in their own way. They added a statement on their official website explaining who they were and that the money was going to fund scholarships for minority students.

Coverage: 'Fluff' vs. Depth.

Several of those interviewed commented that the media focused too much attention on the trivial aspects of the story and ignored the issue of mascots.

One trivial aspect that got a lot of attention was the team's name. Although the team's T-shirts said "Go Fighting Whites," local reporters erroneously referred to them as the "Fighting Whities," and the mistake spread. Student reporter Alicia Gallegos took the blame:

> I think that was completely my fault. I thought I could have sworn, I even still swear till this day that when Scott VanLoo was telling me about the team, he said that they were the Fighting Whities. I could've swore that that's what he said. I talked to Solomon, and I'm pretty sure he must've repeated that back to me. So I'm not sure. I guess, I guess that's how it started. Like it was just miscommunication. And I know that was in the first story, that it was Whities. And maybe that's another reason why it caused such publicity because that was like more of a derogatory term than Whites. So maybe that even, you know, sparked it a little more. And then we ran a correction that they were called the Whites. And I don't think anybody read it. They wanted to call them the Whities. [laughs] ... It would not, you know, stop. Even though they probably knew it was wrong.

A week after the story broke, the Greeley Tribune ran an informational box intended to end the confusion (Ochoa, 2002, 13 March). Other news outlets, however, continued to refer to the team as the Whities. The team eventually added a line of merchandise to its catalog featuring the name "Fightin' Whities." (See figure 3)

Tribune editor Chris Cobler said the media focused too much attention on the name.

> Author: Was the national/international coverage warranted?
> Cobler: The issue is worthy of national attention. The intramural team probably is not.
> Author: Were there negatives and positives to the media's coverage?
> Cobler: The positives would be the media examined an issue of national importance. The main negative is the Fightin' Whites were easy to dismiss as a publicity stunt. People focused on trivial issues surrounding the team name and not as much as they should have on the central point.

All the coverage led a Denver radio station, KRFX, to create an alternative, rather risqué mascot, the Eaton Beavers. The station printed T-shirts, which were given out in Eaton and Denver. The Tribune included the station's stunt in a story that was accompanied by a student wearing an "Eaton Beavers" shirt (Ochoa, 2002, 14 March). VanLoo refereed to this type of coverage as "fluff" media. He likened it to mentions of the team on Rush Limbaugh and the Tonight Show. He prefers longer articles and interviews on public radio, which allow for a more in-depth discussion of the problems. One reporter who didn't just cover the sensational side of the story, he said, worked for The Denver Post. He was impressed with Coleman Cornelius' stories, and the amount of research she did before writing:

> And she talked to the professors, and she started really understanding the research behind it. And she wrote this superb article that included the history of the area and included the nations that were here that did get, um, relocated and were murdered and slaughtered and were in conflict with the Union Colonists in this area. And she also focused on the Lamar area and talked about the Sand Creek massacre and then tied that into how they're still called the Savages. And then she tied in how the Ute and the Pawnee were here in the area, what they went through with the Union Colonists and how that, you know, lends itself to right here in this area with Eaton and with Loveland. So it was a very well-written article. And a lot of the other media focused just on the novelty of the concept. And you got a lot of people that were writing very opinionated articles that really hadn't talked to too many of us.

Franklin said that the level of sensationalism varied with the type of medium. She said that although television can get the message out to more people, newspapers offer

more of an in-depth examination of the issues. She also worries that her students don't read newspapers:

> But see, what I see is the majority of my students don't read the newspaper. So, you know, how does that really help? Because you can have arguments in the newspaper. ...
>
> And also, there's authority to a newspaper. And like, you know, I don't know who it was who would write the editorials against the mascots in The Denver Post. I mean, to me they're reasoned arguments and it's about educated people, you know, taking a position. Um, in the TV, I don't know. And I do watch, you know, Channel 9 and Channel 7. And Channel 7 came to a tremendous amount of stuff. They sent people to all the board meetings, but I don't know what effect that had exactly. So I don't know about that. ... They just throw it out. But then I don't know if that changes anybody.

Effects of Coverage

Although some of the coverage might have been lacking, according to those interviewed, the media's coverage had some positive effects. For instance, Little Owl and VanLoo have been nominated for an e-town award. Recipients are recognized on the e-town radio show, a weekly program carried by public radio stations across the nation. Another positive effect of the coverage was that it got a few more Native American voices in the news. The most common of those voices was Little Owl, who stated:

> I haven't heard so much positive. When you know, you hear about Native American stuff it's usually negative. What they've done bad, you know. So within a week's time a Native American voice came. It was incredible. So to me, I don't look at it as negative because it's positive. The world knew about it. The world don't know anything about Native Americans. They don't know anything about it and they had a chance to hear and see what was a Native Americans. So I think it was great.

This was part of the plan, according to VanLoo, who wanted the focus to be on the Native American team members. "The only plan that we did have is I came forward

and I said 'Look, it's really important to me, as someone who's not Native, to support this. It's important to me that Native voices get into the media.'"

All of those interviewed agreed that the team's media coverage raised awareness about the issue of mascots. Gallegos said she had seen that awareness grow among students:

> I think a lot of people had no idea about it. I know I didn't even really um, really even think about the importance of changing the mascots or even realize that there was a lot of Native American folks who were angry about it. So I think that it raised a lot of awareness. I think people. And, and they had said, you know, right away that it, that they didn't necessarily want to change, but they just wanted people to know about it. And I really think it did. I mean, even my roommates heard. You know, my friends around me, everybody's heard of the Fighting Whites. And that's what they tried to do. So I really think it did raise awareness. You know, even if it didn't change.

Ochoa added that at least one school – nearby Loveland — has started to investigate changing its "Indians" mascot:

> I would say it's definitely raised awareness. And it's, I guess the way they did it came across in a new way, you know? The issue was kind of beaten to death in a way. And no one was really looking at it. And then they came out with that, and all of a sudden it was a new way to look at it. People started talking about it again. I guess that raises awareness. Other schools in Colorado started to talk abut it. Loveland Indians – they started to talk about it, about changing, possibly.

Franklin, who coordinated the university's symposium on mascots, agreed:

> And people felt differently about this. But I personally feel it was the biggest thing to draw attention to the, you know, the use of mascots that's come along in the last 20 years. So even though other people have been doing all this, I felt that really captured the national, um, limelight. And so it helped promote the issue tremendously.

VanLoo said that although much of the media's coverage focused on what he called "fluff," the spotlight gave him a chance to educate people about the issue. During

the last year, he and Little Owl have been asked to speak to students of all ages in several states. As VanLoo said:

> That's been the most rewarding part for me is we've been contacted by everything from elementary schools to colleges and university classes that are using this topic and the materials to spark dialogue and discussion and take a look at things.

Raising awareness, however, does not necessarily mean change for the better, as McConnellogue said:

> You know, I think you have to ask yourself, too, at the end of the day, other than that raising of consciousness, what was the result? I mean, the Eaton Reds are still the Eaton Reds. The Loveland Indians are still the Loveland Indians. I know that this is, this is not an event, it's a process. I think effecting change is a long, sustained, unglamorous process. And I think when you have a short, intense, glamorous part of that it can lead to the illusion that this is how change happens. And I don't think that's so.

Conclusion

McConnellogue's quote brings up a key point. He seems to combine all three patterns observed. The media's focus on events as opposed to issues often leads to sensationalism. Focusing on the events also might lead a media consumer to misinterpret a team's name for a symbol of white pride. The focus on getting the word out without checking all the facts can lead to mistakes like "Whities" instead of "Whites," which leads to more sensationalism.

The fact that several Native American voices made it into the news relates to Coleman's (1992) cry for Native Americans to set the agenda themselves. Leigh Estabrook, a dean at the University of Illinois, says that myths about Native Americans are perpetuated because mascots are the only way many non-natives see Native Americans in the news (Rosenstein, 1997). When people like Solomon Little Owl make

the news, they begin to counteract those perceptions. As McConnellogue said, however, it takes more than one news event to effect real change.

The negative reaction some people had to the Fighting Whites also reinforces the literature, which shows a backlash against Native Americans who protest mascots. As Davis (1993) wrote, many activists feel that the mascot issue is the only one that ever receives major media coverage. Perhaps news outlets should begin taking a look at a variety of issues affecting Native Americans before the controversial events take place. In an editorial written in response the mascot question, Greeley Tribune editor Chris Cobler (2002) wrote that newspapers are at their best when they discuss and debate the important questions of the day. Those issues are usually more difficult to report on than colorful events, yet they might make the difference between "fluff" coverage and quality coverage.

Limitations

This study examined the coverage of one news event through the lens of seven interviews. The results are not meant to be generalized, but instead they are meant to allow readers an in-depth perspective on how those seven people saw the event. Because the findings and conclusions are based on the author's interpretations, another researcher might gain slightly different insights by examining the transcripts. This, however, is the nature of qualitative research.

Further research

This study sheds light on some intriguing questions that could be addressed in future research. A content analysis of newspaper stories about the Fighting Whites might lend clarity to the research. A comparison might be made between the coverage received

by the Fighting Whites and activists like Charlene Teeters, who has been working for more than a decade on eliminating the University of Illinois mascot. I would like to continue studying this issue by conducting an in-depth analysis of the newspaper coverage received by the Fighting Whites. This analysis would examine one of the questions identified by this paper: Did the media's coverage of the team focus more on the issue of mascots or on the novelty of the team's name, and what does that say about news?

Figure 1: Eaton Fighting Reds mascot

Figure 2: Original Fighting Whites logos

Source: http://www.cafeshops.com/fightinwhite

Figure 3: Fighting Whities logo

Source: http://www.cafeshops.com/fightinwhite

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